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FIRST ANNUAL REPORT

of the

Board of Railroad Commissioners

of the

State of Montana

COVERING THE PERIOD BETWEEN
MARCH 1, 1907 AND AUGUST 31, 1908

1907-1908

Commissioners { B. T. STANTON, Chairman
NATHAN GODFREY
E. A. MORLEY
H. K. HOWRY, Secretary

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Helena, Montana, Aug. 31st, 1908.

To His Excellency, Edwin L. Norris, Governor of the State of Montana:

Sir:—Under the provisions of the act creating this Commission and defining its duties, Section 33, we respectfully submit for your consideration the first annual report of this Board covering the period from March 1, 1907 to August 31st, 1908, inclusive.

On December 6th, 1907, a preliminary report of this Department's work up to November 30th, 1907, was filed with former Governor Joseph K. Toole, as follows:

"To His Excellency, Joseph K. Toole, Governor of the State of Montana:

Dear Sir:—Section 33 of the Railroad Commission Law of the State of Montana (Chapter 37, Laws 1907, page 69) requires the Board of Railroad Commissioners thereby created, to make and submit an annual report to you containing a complete account of the transaction of its office, together with such facts, suggestions and recommendations as may be deemed necessary; and also a statement of the number of accidents investigated by the Board and the number of persons killed or injured in them, and, generally the nature and cause of such accidents. It is the desire of the Commission, in every particular, to fully comply with this law, and to give forth the best possible results thereunder to the people of the State of Montana, but a full report of the character indicated by this law at this time would be of little value, considering the short time the Commission has been in existence. We believe it far better, when the first report of this Commission is published, to have one containing information of value and reflecting credit on the State, and we therefore hand you this communication in lieu of a report, promising you at a later date, but within the year, to hand you a report in detail, complying fully with the requirements of the law.

"The law went into effect on the 26th day of February, 1907, and the members of this Commission thereafter, on the first day of March, 1907, duly and regularly qualified and entered upon the discharge of their duties, and ever since said last mentioned date, the Board, and each of its members, have been busily engaged in familiarizing themselves with the law; its application, the procedure thereunder, and the lines of railroad operated in this state; the roadbeds, track facilities, rolling stock, depots, and the like; and also the classification of rate, charges and schedules for the transportation of freight and passengers.

"As required by law, we have fixed the rates of charges of all railroad companies operated in the State of Montana for the carriage of freight, passengers and express, and have issued tariffs which are now in force and effect and being complied with by all railroad companies affected.

"We have had many formal hearings in the interest of the proper administration of the law; have investigated a number of wrecks and accidents, and have encountered much work and study in laying the proper foundation for the effective administration of the law, systematizing the files and records of the office, and in adopting suitable rules and regulations.

"Any further information, data, or report which your Excellency may desire will be gladly furnished you at any time you may ask for it.

"The Commission has full and complete data and records of all of its work and proceedings to the present date.

Respectfully submitted,

(Signed)

B. T. STANTON, *Chairman*,

NATHAN GODFREY,

E. A. MORLEY,

Commissioners.

ORGANIZATION.

Section 7 of the Railroad Commission Law provides that the State shall provide the Board with suitable offices in the State Capitol Building. As there were no vacant offices in the Capitol at the time the members of the Board qualified the Commission met in one of the House Committee rooms on March 1st, 1907, and completed the organization of the Board by electing B. T. Stanton, Chairman and appointing H. K. Howry, secretary and Miss Alma Mohr, stenographer. Upon the adjournment of the Tenth Legislative Assembly the State Furnishing Board directed that the offices used by the Speaker, Chief Clerk and Sergeant-at-Arms of the House together with the three committee rooms adjoining should be occupied by the Railroad Commission for the use of its members and employees.

CONFERENCE WITH OTHER COMMISSIONS.

With the inauguration of the Commission's work came the organization and building up of an entirely new state department. The work of the Board necessarily being largely one of handling multitudinous details in connection with freight, passenger and express rates, it was early appreciated that the experience of established commissions would be of much value with reference to organization.

This Commission having received an invitation from the Railroad Commission of Washington to visit Olympia and there meet in joint conference with the Oregon and Washington Commissions, proceeded to Olympia, where on April 10, 11, 12 and 13th, 1907, the three Boards held conferences. Railroad Commission work in all its phases was gone into thoroughly and much information of value to this Board, was acquired.

From Olympia the Commissions of Washington, Oregon and Montana proceeded to Portland, where on April 15, 16 and 17th, the members and respective secretaries, attended with much profit the hearings on the famous Spokane rate case, before Judge Prouty of the Interstate Commerce Commission.

CONGESTION OF FREIGHT TRAFFIC.

At the beginning of the work of the Commission, it was confronted by a serious condition in connection with the congestion of traffic on the two trans-continental lines crossing our state. So serious had this become that the volume of commodities offered to railways for transportation was greatly in excess of the equipment and power to handle, or the trackage to accommodate. This situation resulting from the unprecedented increase in the volume of trade between Northwestern and Eastern markets, without any proportionate addition to transportation facilities to care for the same, resulted not only in great inconvenience but financial loss as well to both consignors and consignees.

HELPING TO AVERT FUEL FAMINE.

Having in view the scarcity of the coal supply at the principal consuming points in the State, during the winters of 1906 and 1907, and realizing that owing to increased congestion of other commodities, the movement of coal would be retarded, the Board issued on June 15th, 1907, a circular letter urging the necessity of dealers and consumers to anticipate a coal famine by earlier shipments and also to arrange with the railroads to give coal shipments preference until such time as the towns and cities along their lines were well stocked with fuel. The records at the various stations show that the citizens very generally co-operated with the Commission in this respect as the receipts of coal at the principal points in the months of July, August and September, were from 40 per cent to 70 per cent greater than the same months of the previous year.

NATIONAL ASSOCIATION OF THE RAILWAY COMMISSIONERS.

Chairman Stanton, representing the Montana Commission attended the Nineteenth Annual Convention of the National Association of Railway Commissions held at Washington, D. C., October 8th-11th, 1907. At this meeting the following states were represented by one or more members of their respective Commissions: Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Maine, Michigan, Minnesota, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Washington, Wisconsin and five members of the Interstate Commerce Commission. The discussion of such problems as rates and rate making, safety appliances, uniform classification, railroad taxation, demurrage, physical valuation of

property of railroads, etc., by men who have been members of their respective boards for periods of ten to fifteen years, was of great advantage to newly created commissions.

Our state was honored by the National Association in the assignment of one member of the Montana Commission on one of the important committees, viz: Railroad taxation and plans for ascertaining fair valuation of railroad property.

CONCLUSION.

One of the chief benefits, if indeed not the greatest advantage to the citizens of the State by the creation of a board of railroad commissioners, is in having a tribunal with comprehensive powers whose offices are always open, ready to receive and act upon any application within its authority, thus establishing an official medium whereby the public can obtain prompt attention and adjustment of any grievance as to service rendered by the common carriers. It has been the experience of the Montana Railroad Commission that a very large percentage of complaints, can be satisfactorily adjusted at enforced conferences between shippers and carriers, thus expediting the result, always having in reserve the authority to order formal proceedings in the premises.

Respectfully submitted,

B. T. STANTON, *Chairman.*

NATHAN GODFREY,

E. A. MORLEY,

Commissioners.

H. K. HOWRY, *Secretary.*

COMPLAINTS.

The following complaint briefs, numbered from 1 to 91 inclusive, will furnish an idea of the variety of subjects submitted to the Commission and the disposition of the same. In addition to the complaints here listed, there have been a great number of matters laid before the Commission and satisfactorily disposed of, which were not of sufficient importance to enter as formal complaints.

It will be noted that but a small percentage of the complaints are open or pending; also, that the great majority of cases have been disposed of to the satisfaction of the complainants, thus indicating that requests to the Commission are, for the most part, entirely reasonable.

NO. 1. FORMAL.

ROBERT B. SMITH,
vs.
NORTHERN PACIFIC RAILWAY CO.

Subject: Failure to announce departure of trains.
Result: Matter disposed of to satisfaction of complainant.
Complaint filed March 22nd, 1907.
Matter arranged April 29th, 1907.

On March 22nd, 1907, Robert B. Smith of Bigfork, filed complaint requesting that the departure of trains be announced at Missoula station.

Upon the matter being taken up with officials of the Northern Pacific Railway Company it was arranged to have trains announced hereafter.

NO. 2. FORMAL.

R. R. BROTHERHOOD JOINT LEGISLATIVE BOARD,
vs.
RAILROAD COMPANIES IN MONTANA.

Subject: Violation of Train-man's Hour Law, so called.
Result: Law held valid by Supreme Court, Northern Pacific Railway Co. fined.
Complaint filed April 9th, 1907.
Matter closed February 26th, 1908.

April 9th, 1907, the Railroad Brotherhood's Joint Legislative Board at Great Falls through its Chairman T. F. Richardson filed complaint against

Railroad Companies in Montana for violating the law under Chapter 5, Session Laws of 1907, known as the "Trainman's Hour Law."

The Commission secured evidence of violation of the law in question by the Northern Pacific Railway Company and requested the Attorney General to bring suit in the District Court of Lewis and Clark County. The Railway Company was found guilty and fined \$100.00. The District Court was afterward affirmed by decision of the Supreme Court, on an appeal by the defendant Railway Company.

NO. 3. FORMAL.

ORDER OF RAILWAY CONDUCTORS,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Violation of Trainman's Hour Law, so called.

Result: Law held valid by Supreme Court.

Complaint filed April 17th, 1907.

Matter closed February 26th, 1908.

On April 17th, 1907, the Order of Railway Conductors at Great Falls, through its secretary, Otto Bjornstad, made complaint against the Great Northern Railway Company for violation of Chapter 5, Session Laws of 1907, known as the Trainman's Hour Law.

The Commission having requested the Attorney General to bring suit against the Northern Pacific Railway Co. under Complaint No. 2, such suit to be a test case, this complaint was held in abeyance. See Complaint No. 2.

NO. 4. FORMAL.

GEOFFREY LAVELLE,

vs.

OREGON SHORT LINE R. R. Co.

Subject: Cattle guards, Divide Station, also blocking of crossing at same point.

Result: Cattle guards put in, orders issued to keep crossings clear.

Complaint filed April 30th, 1907.

Matter adjusted June 6th, 1907.

Under date of April 30th, 1907, complaint was filed against the Oregon Short Line Railroad Co. by Geoffrey Lavelle, setting forth that at Divide station the Railroad Company had not provided sufficient cattle

guards to protect livestock; also that crossings at the same station were frequently blocked by trains of the defendant Railroad Company for periods of 30 minutes or more.

Upon the matter being taken up with F. D. Wilson, D. F. & P. A., it was arranged to put in additional cattle guards and to have orders issued to keep road crossings clear.

NO. 5. FORMAL.

BOULDER LIME CO.,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Construction of spur.

Result: Concessions gained; but on request of complainant, matter dismissed.

Complaint filed May 8th, 1907.

Dismissed on request of Complainant.

May 8th, 1907, the Boulder Lime Co. made complaint with reference to construction of a spur track by the Northern Pacific Railway Co. at the complainant's lime quarry on the Elkhorn branch.

The Commission submitted the matter to officials of the defendant Railway Company and secured concessions asked for, but afterward the complainant requested that the subject be dismissed.

NO. 6. FORMAL.

A. S. GASS,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Request for station and agent at Roberts.

Result: Matter closed without action.

Complaint filed May 9th, 1907.

Matter closed account Complainant not replying to letters.

Under date of May 9th, 1907, A. S. Gass of Roberts, filed complaint asking that the Northern Pacific Railway Company provide a station and agent at Roberts.

The Commission at once took the matter up, but being unable to hear further from the complainant with certain information necessary, although several letters were addressed him, the complaint was closed.

NO. 7. FORMAL.

THOMPSON FALLS MERCANTILE CO.

vs.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Discontinuance of service at Creist's Spur.

Result: The defendant Railway Company upon request of the Commission continued to receive business at the Spur mentioned.

Complaint filed June 13th, 1907.

Matter adjusted without order to the satisfaction of the complainant.

The complainant in petition stated that it had about fifty car loads of cedar material for loading at Creist's Spur of the Northern Pacific Railway Company and that defendant Company had refused to accept orders for empty cars to be placed for loading on the Spur mentioned; such refusal working a great hardship and inconvenience upon the complainant.

The subject was taken up with officials of the Northern Pacific Railway Company with the result that the defendant company continued to receive business on the spur mentioned, until the complainant had been able to move out its product.

NO. 8. FORMAL.

JAMES IVEY,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Agency at Frazer, Montana.

Result: On investigation the Commission held that the business transacted at Frazer did not warrant the establishing of a Station and Agency.

Complaint filed June 28th, 1907.

Matter dismissed July 22nd, 1907.

On June 28th, 1907, James Ivey, a dealer in general merchandise at Frazer, Montana, filed complaint with the Commission requesting that a depot be opened at the point mentioned and an Agent installed therein. The Commission requested the Great Northern Railway Company to furnish figures showing the freight and passenger earnings at Frazer and such data was accordingly submitted by the defendant Railway Company.

It was shown that for the period between July, 1906, and April, 1907, inclusive, the total revenue derived from passenger business was \$196.60, while the freight revenue for the same months amounted to \$86.02.

The complainant was advised that in view of the limited amount of business at Frazer station, the Commission did not feel warranted in making

an order requiring the defendant Railway Company to maintain a depot and agency at that point. A copy of the earnings at Frazer as above referred to was furnished the complainant and he was advised that the Commission would be pleased to consider any figures that he cared to file contradictory of the figures submitted by the Railway Company.

Under date of March 6th, 1908, the complainant again addressed the Commission requesting the establishing of a station and agency at Frazer, stating that the business at the point mentioned had increased since the date the first complaint was filed. The Commission secured from the Great Northern Railway Company figures for the months of May to December, 1907, inclusive, which showed that the revenues at Frazer for passengers and freight were \$238.15 and \$927.99 respectively, the total earnings averaging \$145.77 per month, and held that the business did not warrant the inauguration of station services as requested by the complainant.

NO. 9. FORMAL.

J. E. TEMPLETON, ET AL.,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Daylight Passenger Train service.

Result: Order made for mixed train service between Great Falls and Havre. Station building enlarged.

Complaint filed August 27th, 1907.

Order issued October 17th, 1907.

August 27th, 1907, J. E. Templeton and others of Fort Benton and vicinity filed complaint with the Commission asking that daylight passenger train service between Great Falls and Havre be established on the Great Northern Railway.

The Commission held a public hearing at Fort Benton September 26th, 1907, and afterward on October 17th, 1907, issued an order for a daylight mixed train service between the points mentioned. See Order No. 4. The station building at Fort Benton was enlarged on request of the Commission and made more comfortable.

On January 9th, 1908, the Great Northern Railway Company made request to the Commission to withdraw the mixed train service established by order of the Commission claiming that the travel on the trains was so light that the company was at heavy loss in running the same.

The Commission set a public hearing to be held at Fort Benton January 20th, 1908. At this hearing it was shown that the travel since the inauguration of the service did not warrant a continuance of the same; the people of Fort Benton and vicinity agreeing. Upon this showing the Commission consented to the withdrawal of the trains.

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NO. 10. FORMAL.

LINDSAY & COMPANY LTD.,

VS.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Delays in L. C. L. shipments of perishable goods to various points upon the defendant Company's line in Montana.

Result: Through efforts of the Commission the service complained of was greatly improved.

Complaint filed August 2nd, 1907.

Matter arranged without hearing.

On August 2nd, 1907, Lindsay & Company, Ltd., dealers in wholesale fruits and produce at Helena, filed complaint with the Commission regarding delays in delivery of perishable goods at destinations, by the defendant Railway Company.

The complaint set forth that on account of the delays mentioned, the complainant was subjected to financial loss and inconvenience.

The Commission at once took this matter up with the officials of the Northern Pacific Railway Company and instructions were issued to improve the service; such instructions were carried out and the service greatly improved.

NO. 11. FORMAL.

ALEX BARKLEY & CO,

VS.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Freight rate on hay, Chinook to Fort Benton.

Result: Investigation showed complainants had been overcharged; refund made.

Complaint filed August 31st, 1907.

Adjusted September 13th, 1907.

Alex. Barkley & Co., filed complaint in which it was set forth that they had been charged a rate of \$3.00 per ton on hay, car loads, baled, from Chinook to Fort Benton and that such charge was excessive.

Upon investigation it was shown that the complainants had been overcharged, the established rate on hay between the points mentioned being \$2.40 per ton; refund was accordingly secured.

NO. 12. FORMAL.

HUTTIG MANUFACTURING CO.,

vs.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Unsatisfactory demurrage rules and charges.

Result: New uniform demurrage rules for all railroads in Montana, the same applying on both interstate and intrastate shipments.

Complaint filed Sept. 14, 1907.

Order, promulgating new demurrage rules Jan. 14, 1908.

Under date of Sept. 14, 1907, the Huttig Manufacturing Company of Billings, Montana, filed complaint with the Commission, stating that the demurrage rules, then in effect were unsatisfactory and in many cases worked a hardship on the receivers of carload freight.

On July 10th, 1908, the Commission held a hearing on the subject of Demurrage Rules and Charges, a number of shippers and representatives of railroad companies being present to give testimony.

January 14th, 1908, the Commission issued an order promulgating new demurrage rules applicable to all railroad companies operating in Montana and by arrangement, the same apply on interstate as well as intrastate shipments.

The new Demurrage Rules are among the most liberal to the shipper, of any in existence in the United States.

NO. 13. FORMAL.

MADISON CLUB,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Passenger Train service on Gaylord branch.

Result: Service improved to satisfaction of complainant.

Complaint filed September 16th, 1907.

Matter arranged October 3rd, 1907.

On September 19th, 1907, the Madison Club of Virginia City filed complaint with reference to the passenger train service of the defendant Railway Company on the Gaylord branch of its line.

The complainant stated that the passenger trains were always late, causing long waits at Alder, Whitehall, Logan and other points, greatly inconveniencing the traveling public.

The matter was immediately taken up with officials of the Northern Pacific Railway Co., with the result that the service was improved to the satisfaction of the complainant.

FIRST ANNUAL REPORT

NO. 14. FORMAL.

J. K. MILLER, ET AL.,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Better loading and unloading facilities for freight at Columbia Falls. Better station accommodations at same point.

Held: House Track to be constructed and station building enlarged.

Complaint filed July 29th, 1907.

Orders made November 14th, 1907.

Under date of July 29th, 1907, J. K. Miller and other residents of Columbia Falls, also residents of Kalispell and vicinity, filed complaint in which it was set forth that the facilities provided by the defendant Railway Company for handling of freight at Columbia Falls, were entirely inadequate; further that the station building at Columbia Falls did not in any way meet the reasonable requirements of the traveling public.

The Commission made a personal inspection and held a public hearing on the subject at Columbia Falls, September 26th, 1907, at which were present representatives of the defendant Railway Company and citizens of the town.

As a result of the hearing on November 14th, 1907, the Commission issued two orders in the premises.

Order No. 8 requiring the construction of a House Track within 30 days.

Order No. 9 requiring the submitting of plans and specifications for a new passenger station within 60 days.

Both orders have been fully complied with by the Railway Company.

NO. 15. FORMAL.

J. E. WILLIAMS,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Request for platform near Complainant's place B. & M. Siding.

Result: Construction of platform authorized.

Complaint filed August 7th, 1907.

Matter arranged without hearing.

J. E. Williams of B. & M. Siding filed complaint requesting a platform constructed at his place.

The Commission's inspector investigated the matter on the ground and made a report in the premises. The subject was adjusted by the Great Northern Railway Company officials authorizing the construction of the platform.

NO. 16. FORMAL.

BITTER ROOT FRUIT GROWERS' ASSOCIATION,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Failure to furnish refrigerator cars for fruit loading.

Result: Cars secured for Complainant.

Complaint filed September 13th, 1907.

Matter adjusted November 25th, 1907.

Under date of September 13th, 1907, the Bitter Root Fruit Growers' Association, through its Manager, H. Ferbrache, made complaint that the Northern Pacific Railway Company was not furnishing a sufficient number of refrigerator cars for the loading of the Association's fruit, thereby causing great loss to the growers.

The Commission took the subject up at once and secured a betterment of the service by having diverted, numerous refrigerator cars that would have otherwise gone to Southern Idaho.

NO. 17. FORMAL.

C. W. GARDINER,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Plowing of fire guards along line of railway.

Result: Work of plowing guards commenced and pushed to completion.

Complaint filed Aug. 5th, 1907.

Matter adjusted without hearing Sept. 11th, 1907.

The complainant, C. W. Gardiner, of Galata, Montana, in petition filed August 5th, 1907, stated that the Great Northern Railway Company was not complying with the state law in regard to plowing fire guards along its right of way, thereby greatly increasing the danger of range fires.

The subject was immediately taken up with R. W. Bryan, General Superintendent at Minot, N. D., who at once issued orders for the plowing of fire guards and agreed to complete the work as rapidly as possible.

NO. 18. FORMAL.

J. L. TRUSCOTT,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Interstate freight rate on coal Lethbridge, Canada to Glasgow.

Result: Complaint withdrawn.

Complaint filed September 19th, 1907.

Complaint withdrawn March 16th, 1908.

On September 19th, 1907, J. L. Truscott of Glasgow filed complaint with the Commission regarding rate on coal from Lethbridge, Canada, to Glasgow, via the Great Northern Railway.

The Complainant was advised that the rate was without the jurisdiction of the Commission, since the point of origin was in Canada, but that the Commission would be pleased to use its good offices in the premises. Complaint afterward withdrawn.

NO. 19. FORMAL.

J. E. SWINDLEHURST & Co.,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Failure to receive coal shipped from mines.

Result: Coal moved through to destination.

Complaint filed September 27th, 1907.

Matter adjusted December 10th, 1907.

September 27th, 1907, the firm of J. E. Swindlehurst & Co., at Livingston, filed complaint stating that the Northern Pacific Railway Co. was failing to deliver within a reasonable time, coal billed to the complainants, loaded at Bear Creek field mines.

Upon investigation it was shown that the failure of the Railway Company to deliver was due to the great congestion of freight traffic; there being a tonnage for movement, vastly in excess of what the Railway Company could handle. The investigation also developed that there were some 1,200 cars of coal in the yards of the Railway Company at Billings and Laurel.

The Commission at once took the matter up with H. J. Horn, General Manager of the Northern Pacific, who issued orders to hold up the freight traffic at Missoula on the West and Billings on the East, until all coal was moved through to destination; the result was abundance of fuel for every requirement at all points in the state.

NO. 20. FORMAL.

MATT RICHARDSON,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Rate on coal from Armington to Great Northern points.

Result: Rates reduced from all producing to all consuming points.

Complaint filed April 24th, 1907.

Matter arranged July 24th, 1907.

Matt Richardson of Armington under date of April 24th, 1907, made protest to the Commission against the existing rates on coal from his mine at Armington to consuming points on the Great Northern Railway.

A public hearing was called on the subject of coal rates from all the producing points on the Great Northern to stations on that line, such hearing being held July 24th, 1907, at the Department Offices and as a result the rates in question were reduced on an average of about 40 per cent.

NO. 21. FORMAL.

CITIZENS OF KALISPELL,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: General complaint.

Result: See Order No. 13.

Complaint filed November 6th, 1907.

Order made March 16th, 1908.

November 6th, 1907, citizens of Kalispell and vicinity, through a committee composed of Messrs. Griffin, Whipps, Carter and Switzer and represented by Thomas D. Long, attorney, filed complaint embodying seventeen charges against the defendant Railway Company.

The Commission called a public hearing to be held at Kalispell on December 10th, 1907, and afterward on March 16th, 1907, issued an Order in the premises. See Order No. 13.

NO. 22. FORMAL.

GEORGE F. SHELTON,

vs.

NORTHERN EXPRESS COMPANY.

Complaint: Failure on part of Express Company's agent to notify consignee of arrival of shipment.

Adjustment: Service complained of arranged to the satisfaction of the complainant including an extension of the free delivery limits at Butte, Montana.

Complaint filed October 18th, 1907.

Matter adjusted without hearing November 2nd, 1907.

The complainant, a resident of the city of Butte, stated that upon several occasions the defendant express company had received express matter addressed in the complainant's name and had neglected to notify the consignee of the arrival of such shipments. Further that the complainant had been informed by the agent and employes of the Express Company, upon inquiry, that they had no consignments for him, when an investigation showed that at that time there was a consignment in the company's office addressed to the complainant.

This subject was taken up with the head officials of the Express Company to the end that orders were issued for the improvement of the service complained of, and the matter was arranged to the entire satisfaction of the complainant.

NO. 23. FORMAL.

CITIZENS OF NEW BAINVILLE,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Passenger train service at New Bainville.

Result: Station made flag stop for trains Nos. 2 and 3. Agent installed.

Complaint filed Nov. 3rd, 1907.

Supplemental Complaint filed January 13th, 1908.

Matter adjusted February 13th, 1908.

Citizens of New Bainville and vicinity on November 3rd, 1907, filed complaint with regard to passenger train service afforded by the Great Northern Railway at that point.

Subsequently on January 13th, 1908, a supplemental complaint was filed asking that an agent be installed at New Bainville.

Both complaints were taken up with the Railway Company immediately upon receipt, with the result that passenger service was inaugurated and an agent installed at New Bainville, to the satisfaction of the complainants.

NO. 24. FORMAL.

CULBERTSON COMMERCIAL CLUB,
VS.
GREAT NORTHERN RAILWAY COMPANY.

Subject: Loading and unloading facilities for freight at Culbertson; request construction of house track.

Result: Temporary relief given by extension of passing track and house track afterward constructed.

Complaint filed October 24th, 1908.

Matter temporarily adjusted November 23rd, 1908.

Matter finally adjusted August 7, 1908.

The Culbertson Commercial Club of Culbertson, Montana, filed complaint with the Commission on November 25th, 1907, with reference to conditions for the loading and unloading of freight at that point and made request for the construction of a House Track.

The matter was at once taken up with H. A. Jackson, Assistant General Freight and Passenger Agent and it was arranged to give temporary relief by extending the passing track at Culbertson, 1,000 feet, with the understanding that a House Track would be graded up and put in the following season. This was satisfactory to the complainants. The House Track was subsequently constructed.

NO. 25. FORMAL.

T. M. EVERETT,
VS.
GREAT NORTHERN RAILWAY COMPANY.

Subject: Inability to get cars for hay loading.

Result: Cars furnished to satisfaction of complainant.

Complaint filed November 3, 1907.

Adjusted without hearing November 26th, 1907.

T. M. Everett, Harlem, Montana, filed complaint under date of November 3rd, 1907, stating that he was being put to much inconvenience and trouble in being unable to secure empty cars for hay loading, the train crews refusing to perform proper switching and placing service.

This complaint was taken up with H. A. Jackson, Assistant General Freight and Passenger Agent of the Great Northern Railway Company, who had orders issued to train crews.

Under date of November 26th, 1907, the complainant advised the Commission that the service was then eminently satisfactory.

NO. 26. FORMAL.

THREE FORKS PORTLAND CEMENT CO.
vs.
NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Passenger train service at Trident Station, Montana.

Result: Defendant Company's Passengers Trains Nos. 11 and 12 to stop at Trident, upon flag.

Complaint filed November 15th, 1907.

Matter adjusted without order, November 21st, 1907.

The Three Forks Portland Cement Co., filed complaint with the Commission setting forth that it had commenced the erection of a large plant for the manufacturing of cement at Trident, Montana; had laid out a town-site and let contract for the erection of 25 dwellings which were in process of building. That a large number of men were employed on the premises and that owing to the Northern Pacific Railway Company furnishing no passenger service at Trident, passengers to or from that point were obliged to embark and disembark at Logan, six miles distant from Trident.

The request of the complainant appearing to the Commission to be a reasonable one, the matter was submitted to Mr. I. B. Richards, Acting General Superintendent of the defendant company with the result that orders were issued by Mr. Richards making Trident a flag stop for Northern Pacific Railway Company's trains Nos. 11 and 12.

NO. 27. FORMAL.

M. D. PLATNER,
vs.
NORTHERN PACIFIC RAILWAY CO.

Subject: Claim for damage to oil stove.

Result: Payment of claim made to satisfaction of complainant.

Complaint filed October 7th, 1907.

Matter adjusted December 31st, 1907.

October 7th, 1907, M. D. Platner of Elliston, filed complaint with reference to claim for damage in transit on oil stove, billed from Cincinnati, Ohio. The claim was taken up through W. H. Merriman, D. F. & P. A. Northern Pacific Railway Co. at Butte, and payment of claim in satisfactory amount, secured.

NO. 28. FORMAL.

J. A. CLIFFORD,

vs.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Replacing of side track connection at complainant's warehouse, Butte, Montana.

Adjustment: Defendant Railway Company made track connection with warehouse as requested by complainant.

Complaint filed October 28th, 1907.

Adjusted without hearing January 13th, 1908.

The complainant represented to the Commission that he was the owner of certain lots in the City of Butte, upon which was situated a large warehouse and that while formerly a spur track of the Northern Pacific Railway Company had connected with the said warehouse so that the loading and unloading of cars could be conducted, at the time of the erection of the new passenger depot of the defendant company, it had removed side track connection with the complainant's warehouse and refused to replace the same. The complainant now requesting that such sidetrack connection be replaced.

The matter was taken up by correspondence with the officials of the Northern Pacific Railway Company and later a personal inspection of the premises was made by the officials of the Railway Company and members of the Commission. It appearing to the Commission that the complainant's prayer should be granted, request was accordingly made upon the defendant Railway Company asking that the sidetrack be replaced and under date of January 13th, 1908, the Northern Pacific Railway Company, through its General Superintendent, Mr. G. A. Goodell, advised that the track would be extended as requested by the Board.

NO. 29. FORMAL.

THE CARBON MILLING COMPANY,
vs.
NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Service on outgoing shipments at Red Lodge, Montana.

Result: The defendant Railway Company gave orders to correct the inadequate service complained of and the matter was accordingly arranged to the satisfaction of the complainant.

Complaint filed November 13th, 1907.

Matter adjusted without order December 16th 1907.

The complainant stated that after delivering local shipments of flour to the freight depot of defendant company such shipments were often not promptly loaded for transportation to destination.

The matter was taken up by correspondence with officials of the Northern Pacific Railway Company with the result that upon request of the Commission the Board was advised, under date of December 16th, 1907, through Mr. I. B. Richards, Acting General Superintendent of the defendant company that orders had been issued for the remedying of the condition complained of. The matter was adjusted to the satisfaction of the complainant.

NO. 30. FORMAL.

H. A. LLOYD,
vs.
GREAT NORTHERN RAILWAY COMPANY.

Subject: Violation Chapter 54, Session Laws 1907, known as the "Dinkey" caboose law.

Result: Railway Company agrees to comply with the law.

Complaint filed November 25th, 1907.

Matter adjusted December 30th, 1907.

On November 25th, 1907, H. A. Lloyd, Secretary Havre Lodge No. 213, Brotherhood of Railroad Trainmen, filed complaint against the Great Northern Railway Company for violation of Chapter 54, Session Laws 1907, known as the "Dinkey" caboose law.

Legal action was brought against the Railway Company by the Commission through the Department of the Attorney General, for the enforcement of the law in question. Upon the defendant Railway Company agreeing to comply with the law, the legal action was dismissed. Compliance with the law was accordingly made.

NO. 31. FORMAL.

ROCKY MOUNTAIN BELL TELEPHONE CO.

vs.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Incorrect reporting of arrival of passenger trains.

Result: Orders issued by Railway Company to improve service; service improved.

Complaint filed, December 8th, 1908.

On December 9th, 1907, the Rocky Mountain Bell Telephone Company filed complaint with the Commission with reference to incorrect reporting and bulletining of passenger trains at stations upon the defendant railway company's lines in Montana.

This complaint was placed before General Superintendent Goodell, and orders were issued to the Division Superintendents, resulting in an improvement in the service complained of.

NO. 32. FORMAL.

BUTTE LAND & INVESTMENT CO.,

vs.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Assessment of demurrage charges on interstate shipment.

Result: Railway Company in error; refund of charges made.

Complaint filed October 23rd, 1907.

Matter adjusted January 9th, 1908.

On October 23rd, 1907, the Butte Land & Investment Company complained to the Commission that the Northern Pacific Railway Company had assessed \$15.00 demurrage charges on a car of freight consigned from without the state to the complainant, setting forth in the complaint that the Railway Company had not sent notice of arrival of the car.

The complainant was advised that the shipment being interstate traffic was beyond the jurisdiction of the Commission, but that the Department would gladly use its good offices in the premises.

An investigation was accordingly made by the Commission; it was found upon inspecting the records of the Railway Company that a notice of the arrival of the car had been addressed to the Butte Land & Improvement Company, and had therefore never reached the complainant, the Butte Land & Investment Company.

Upon this showing the Railway Company refunded the charge.

NO. 33. FORMAL.

CITY OF BUTTE,

VS.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Alleged dangerous condition of railroad bridge crossing Harrison Avenue, City of Butte.

Result: Matter held to be without jurisdiction of Commission on opinion of Attorney General.

Complaint filed October 30th, 1907.

Complaint dismissed January 21st, 1908.

On October 30th, 1907, the City of Butte, through its Mayor, Joseph Corby, filed complaint stating that the bridge of the defendant Railway Company crossing Harrison Avenue at Butte City, was not substantial and that it was a menace to the traveling public using the road beneath said bridge.

The subject of the complaint was submitted to the Attorney General, who, in an opinion addressed to the Commission, held that the same was without the jurisdiction of the Commission. The complaint was therefore dismissed and the complainant so advised.

NO. 34. FORMAL.

JAMES MCINERNEY, ET AL.,

VS.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Better passenger train service at all stations between Garrison and Missoula, Montana.

Result: Train service at all stations between Garrison and Missoula arranged to the satisfaction of the complainants.

Complaint filed Dec. 19th, 1907.

Matter adjusted without hearing January 20th, 1908.

On December 19th, 1907, James McInerney, together with 95 other citizens of Butte, Montana: A. D. Hoss, and ten other citizens of Deer Lodge, Montana; W. L. Hardman, and six other citizens of Garrison, Montana; V. B. Morse, and 26 other citizens of Drummond, Montana; James W. Cummings, and sixty other citizens of Missoula, Montana, filed complaint with the Commission regarding what was claimed to be insufficient passenger train service at stations of the Northern Pacific Railway Company between Garrison and Missoula.

The subject of the complaint was at once taken up with Mr. G. A. Goodell, General Superintendent, of the defendant company with the result that the passenger train schedules were rearranged and new service inaugurated, meeting the approval of the complainants.

NO. 35. FORMAL.

HELENA COMMERCIAL CLUB,
vs.
NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Request that Northern Pacific Passenger Train No. 4 stop at Drummond.

Result: Drummond made a flag stop for Northern Pacific Passenger Train No. 4.

Complaint filed January 6, 1908.

Matter adjusted without hearing January 9th, 1908.

The Helena Commercial Club filed complaint with the Commission on January 6th, 1908, stating that the passenger train service of the Northern Pacific Railway Company for passengers embarking at Drummond and destined for Helena, was not adequate and asking that Drummond be made a flag stop for the defendant company's train No. 4.

The matter was at once taken up with Mr. G. A. Goodell, General Superintendent, who advised January 9th, 1908, that train No. 4 would stop on flag at Drummond.

NO. 36. FORMAL.

HARRY A. VAGG, ET AL.,
vs.
GREAT NORTHERN RAILWAY COMPANY.

Subject: Train service at Saco, Montana.

Result: Defendant Company's Passenger Train No. 3 to hereafter stop at Saco, on flag.

Complaint filed January 18th, 1908.

Matter adjusted without order January 21st, 1908.

The complainant's petition set forth that the residents of Saco, Montana, and vicinity, were greatly inconvenienced by passenger train No. 3 of the defendant company not stopping at the said station and asking that the Commission require the Great Northern Railway Company to make Saco a flag stop for the train mentioned.

The subject was taken up with Mr. A. L. Craig, General Passenger Agent of the Great Northern Railway Company and upon request of the Commission the train service asked for was granted.

NO. 37. FORMAL.

FRANK P. BIRRER,

VS.

OREGON SHORT LINE RAILROAD CO.

Subject: Overcharge on two cars of lumber, Missoula to Dillon.

Result: Refund for full amount of overcharge secured for complainant.

Complaint filed November 23, 1907.

Matter adjusted without hearing January 18, 1908.

Frank P. Birrer, of Dillon, Montana, in complaint filed with the Commission, November 23, 1907, set forth that he had been overcharged on two cars lumber between Missoula and Dillon, Montana, and had been unable to secure refund of such overcharge from the railroad company. The matter was taken up with the general officials of the defendant railroad company with the result that on January 18, 1908, refund was made to the complainant in satisfactory amount.

NO. 38. FORMAL.

E. F. SAWYER,

VS.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Additional passenger train service at Magpie station, Montana.

Result: Magpie station made a flag stop for Northern Pacific trains Nos. 11 and 12.

Complaint filed February 8, 1908.

Matter adjusted without hearing February 18, 1908.

Under date of February 8, 1908, E. F. Sawyer, of Lombard, Montana, filed complaint with the Commission requesting that Magpie station be made a flag stop for Northern Pacific Passenger Trains Nos. 11 and 12.

This matter was at once taken up with Mr. G. A. Goodell, General Superintendent of the defendant company with the result that orders were issued under date of February 17, 1908, making Magpie a flag stop for the trains mentioned, as requested.

NO. 39. FORMAL.

POINDEXTER & ORR LIVE STOCK CO.,

vs.

OREGON SHORT LINE RAILROAD CO.

Subject: Service on cattle shipment at Dillon.

Result: Service satisfactorily improved.

Complaint filed January 9th, 1908.

Matter adjusted February 1st, 1908.

January 9th, 1908, the Poindexter & Orr Live Stock Company of Dillon, made complaint with regard to service of the defendant Railway Company on a cattle shipment at Dillon, claiming that through the negligence of the agent in not having cars put on first train the cattle were held at the loading point until the complainant was unable to ship in accordance with agreement had with purchasers, necessitating a return of cattle to the ranch.

Matter arranged to entire satisfaction of complainant.

NO. 40. FORMAL.

CITIZENS OF KALISPELL AND VICINITY,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Interstate rate on oats Flathead country to Eastern terminals.

Result: Rate reduced from 50 cents to 45 cents per cwt. through efforts of Commission.

Complaint filed December 28th, 1907.

Matter adjusted January 29th, 1908.

Under date of December 28th, 1907, citizens of Kalispell and vicinity, through Thos. D. Long, attorney, made complaint to the Commission with reference to the advance by the Great Northern Railway Company of its interstate rate on oats from the Flathead district to Eastern terminals, to 50 cents per hundred.

The Commission advised the complainants that as the rate covered interstate traffic, it was without jurisdiction of the Department, but that the Board would be pleased to use its good offices in the premises.

The matter was taken up with the head officials of the Great Northern Railway Co., with the result that the rate was reduced to 45 cents per cwt. thereby saving to the shippers of the Flathead country 5 cents per cwt.

Up to August 15th, 1908, there had been 3,651,689 pounds of oats moved under the reduced rate.

NO. 41. FORMAL.

CITIZENS OF FROMBERG,

VS.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Protest against contemplated closing of Fromberg station by the Northern Pacific Railway Company on January 11, 1908.

Result: Matter being taken up by wire with Mr. George T. Slade, General Manager, Northern Pacific Railway Company, orders were issued for the continuance of the station in question.

Complaint filed January 10, 1908.

Matter promptly adjusted without hearing.

Telegraphic complaint signed by numerous business concerns and individuals of Fromberg, Montana, was filed with the Commission January 10, 1908, wherein protest was made against the proposed action of the Northern Pacific Railway Company in closing its station at Fromberg on January 11, 1908. The complainant set forth that the in and out freight business at Fromberg station for the year 1907 had exceeded \$200,000.00 in amount and that the direct result of the discontinuance of station facilities at the point mentioned would seriously injure if not entirely ruin the town.

Upon receipt of the complaint the Commission immediately took the matter up by wire with Mr. George T. Slade, General Manager of the defendant Railway Company, at St. Paul, also with Mr. William Wallace, Jr., Division Counsel of the defendant railway at Helena, Montana, and upon January 10, 1908, received advices from Mr. Slade to the effect that the said station would not be closed pending a further investigation.

The Commission informed the Railway Company that it would not consent to the closing of Fromberg station without a public hearing upon the matter. The investigation prosecuted by the railway officials resulted in orders being issued for the continuance of Fromberg station, thereby obviating the necessity of a public hearing.

The matter was accordingly arranged to the entire satisfaction of the complainants.

NO. 42. FORMAL.

SAMUEL BELLEW, ET AL.,

vs.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Additional passenger train service at Arlee and Ravalli, Mont.

Result: Arlee and Ravalli made flag stops for Northern Pacific trains Nos. 3, 4, 5 and 6.

Complaint filed February 10, 1908.

Matter adjusted without hearing, February 20, 1908.

Complaint having been filed with the Commission by Samuel Bellew and other residents in the vicinity of Arlee and Ravalli stations of the Northern Pacific Railway Company, asking that the said company be compelled to increase its passenger train service at the points mentioned, the Commission took the matter up with Mr. G. A. Goodell, General Superintendent of the defendant company, with the result that Mr. Goodell issued orders making Arlee and Ravalli flag stops for passenger trains Nos. 3, 4, 5 and 6.

NO. 43. FORMAL.

W. E. RILEY,

vs.

NORTHERN PACIFIC RAILWAY CO., GREAT NORTHERN RAILWAY CO., MONTANA RAILROAD CO., CHICAGO, MILWAUKEE & ST. PAUL RY. CO., CHICAGO, BURLINGTON & QUINCY R. R. CO., BUTTE, ANACONDA & PACIFIC RAILWAY CO., OREGON SHORT LINE RAILROAD CO., YELLOWSTONE PARK RAILROAD CO.

Subject: Position of mail cars in passenger trains.

Held: That on and after April 1st, 1908, all mail, express and baggage cars shall be placed behind all freight and passenger refrigerator cars in passenger trains.

Complaint filed January 31, 1908.

Regulation issued March 3, 1908.

This complaint set forth that the custom of Railway Companies operating in Montana of frequently placing mail cars in which mail clerks were working, between the locomotive and passenger refrigerator and express freight cars, tended to increase the danger to the mail clerks in the event of a wreck. It was further set forth by the complainant that if the mail cars in passenger trains were run behind all passenger refrigerator or express freight cars, it would give additional protection against injury to the mail clerks.

The request of the complainant appearing to the Commission to be a reasonable one, regulation was accordingly issued under date of March 3, 1908. See Regulation No. 2.

FIRST ANNUAL REPORT

NO. 44. FORMAL.

CULBERTSON COMMERCIAL CLUB,
VS.
GREAT NORTHERN RAILWAY COMPANY.

Subject: Handling of local freight at Culbertson station.

Result: Service complained of improved to the satisfaction of the complainant.

Complaint filed March 20, 1908.

Adjusted without hearing, April 25th, 1908.

The Culbertson Commercial Club filed a complaint with the Commission on March 20th, 1908, in which it was stated that the defendant Railway Company was negligent in promptly loading and shipping out local freight after the same had been billed.

Upon the matter being taken up with H. A. Jackson, Assistant General Freight and Passenger Agent, orders were issued for an improvement in the service, and the matter arranged to the entire satisfaction of the complainant.

NO. 45. FORMAL.

KRUGER & PETERSON,
VS.
NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Failure of the defendant company to promptly pay claims for overcharges on freight shipments.

Result: Claims paid and matter settled to the satisfaction of the complainants.

Complaint filed March 18, 1908.

Matter adjusted without hearing April 27th, 1908.

Under date of March 18th, 1908, Messrs. Kruger & Peterson of Plains, Montana, filed complaint with the Commission, setting forth that they had twelve claims against the Northern Pacific Railway Company for overcharges on shipments of freight; that they had been unable to secure a settlement and asking the Commission's assistance in the premises.

This matter was taken up with Mr. W. H. Merriman, District Freight and Passenger Agent of the defendant company, to the end that payment of the claims was promptly made to the satisfaction of the complainants.

NO. 46. FORMAL.

RUHE-LANGE COAL CO.,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Rates on coal from Chinook to various points.

Result: Rates reduced 40 per cent.

Complaint filed January 17th, 1908.

Matter adjusted February 4th, 1908.

January 17th, 1908, the Ruhe-Lange Coal Co. of Chinook filed protest and complaint against what were claimed to be excessive freight rates on coal in car loads from Chinook to all points on defendant Company's lines.

An informal meeting between the Commission and representatives of the Railway and Coal Companies was held on February 4th, 1908, when a reduction was made in the rates complained of, same being covered by Great Northern G. F. O. No. 19281 and carrying a reduction of about 40 per cent from rates formerly in effect.

NO. 47. FORMAL.

CITIZENS OF DODSON AND VICINITY,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Request for Agent and Station facilities at Dodson, Montana.

Held: That on or before May 1st, 1908, the defendant Railway Company place some suitable person in charge of the station at Dodson for the handling of passenger, freight, express and telegraph business.

Complaint filed March 3rd, 1908.

Order made April 2nd, 1908.

The complainants, representing the mining, farming and stock growing interests in the Little Rockies District, Chouteau County, set forth that the facilities provided for the transportation of passengers, freight and express to and from the said district, as provided by the Great Northern Railway Company, were inadequate and did not give reasonable service to the citizens of the locality mentioned.

An informal hearing on the complaint was held at the offices of the Commission on February 19th, 1908, at which meeting both the complainants and the Railway Company were represented.

It appearing to the Commission that the request of the complainants was a reasonable one, the Board, under date of April 2nd, 1908, issued an order in the premises requiring that on or before May 1st, 1908, the defendant Railway Company place some suitable person in charge of the station at Dodson for the handling of passenger, freight, express and telegraph business. See order No. 14.

NO. 48. FORMAL.

CITIZENS OF HINSDALE,
vs.
GREAT NORTHERN RAILWAY COMPANY.

Subject: Request Hinsdale be made stop for Train No. 3.
Result: Hinsdale made a stopping point for Train No. 3.
Complaint filed February 18th, 1908.
Arranged without hearing.

Citizens of Hinsdale and vicinity complained to the Commission that they suffered much inconvenience through the defendant Railway Company not stopping its passenger train No. 3 at that point.

The matter was promptly taken up with the Railway Company officials with the result that the service was arranged to the entire satisfaction of the complainants.

NO. 49. FORMAL.

HOGG & ABBOTT,
vs.
OREGON SHORT LINE R. R. CO. AND BUTTE, ANACONDA & PACIFIC
RY. CO.

Subject: Shortage on coal weights, coal consigned to complainants.
Result: Payment made by Railway Companies as asked for by complainants.
Complaint filed Dec. 30, 1907.
Matter adjusted April 18, 1908.

The complainants, Messrs. Hogg & Abbott, of Anaconda, Montana, submitted to the Commission for adjustment, claims against the Oregon Short Line Railroad and the Butte, Anaconda & Pacific Railway Companies, amounting to \$185.56 for shortage on coal weights.

The complainants stated that they had been receiving coal from Diamondville, Wyoming, and that owing to lack of weighing facilities at loading point, the receiving Railroad Company had to weigh one end of a car at a time, with the result that such weights were incorrect.

The complainants were advised that the shipments in question being interstate traffic, were beyond the jurisdiction of the Commission, but that the Board would be pleased to use its good offices in the premises.

The Commission took the matter up with the Railway Companies and payment of the claims was made.

NO. 50. FORMAL.

MRS. B. PRIOR,

vs.

NORTHERN PACIFIC RAILWAY COMPANY.

Subject: Claim for damage to china cabinet.

Result: Complainant was reimbursed in satisfactory amount by the defendant Railway Company.

Complaint filed February 25th, 1908.

Matter adjusted, without order, June 1st, 1908.

The complainant, Mrs. B. Prior, of Butte, Montana, filed petition with the Commission requesting that the Northern Pacific Railway Company be compelled to make reimbursement for damage to a china cabinet, shipped from Seattle, Washington, to Butte, Montana, and damaged in transit.

The subject was taken up with the officials of the Northern Pacific Railway Company, and a settlement satisfactory to the complainant was secured.

NO. 51. FORMAL.

BATEMAN, SWITZER & BRADY,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Taking up of sidetrack at Ashfield, Montana.

Held: That defendant Railway Company retain sufficient of passing track to hold ten cars for loading and unloading and keep the spur in condition for such business.

Complaint filed April 23rd, 1908.

Order made June 4th, 1908.

The complainants, large raisers and shippers of hay, near Ashfield, Montana, filed a protest with the Commission against the proposed action of the Great Northern Railway Co., in taking up its passing track at Ashfield, thereby depriving the complainants of loading and unloading facilities at the point mentioned and working a hardship upon all shippers in that vicinity.

An informal hearing in the complaint was held May 12th, 1908, both complainants and defendant Railway Company being represented. Upon the evidence submitted the Commission held that the Railway Company retain sufficient of the passing track beginning at the switch nearest Ashfield to permit of loading and unloading ten cars at the same time and that such spur be kept in proper condition for the business by the Railway Company. See order No. 18.

NO. 52. FORMAL.

CHARLES LEHMAN & CO.,
VS.
MONTANA RAILROAD CO.

Subject: Passenger rate of five cents per mile on Montana Railroad.

Held: That on and after August 1st, 1908, the passenger rate on the Montana Railroad shall be three cents per mile.

Complaint filed January 14th, 1908.

Hearing at Lewistown, February 11th, 1908.

Order made, June 16th, 1908.

Charles Lehman & Co., of Lewistown, under date of January 14th, 1908, filed complaint with the Commission against the passenger fare rate of five cents per mile in effect on the Montana Railroad.

The Commission set February 11th, 1908, at Lewistown, as the time and place for a public hearing on the subject, duly advising the complainant and defendant Railroad Company.

In accordance with the call, the hearing was held at Lewistown, there being present the members of the Commission, Secretary and the Attorney General.

The Railroad Company was represented by several of its officials including M. S. Gunn, President and Attorney.

A considerable number of citizens of Lewistown and adjacent country were present.

From statements made by representatives of the Railroad Company at the hearing, it was shown that the company contemplated reducing its passenger rate as soon as the Chicago, Milwaukee & St. Paul Railway Company commenced running through trains. Upon this showing, the citizens present, stated to the Commission that such an arrangement would meet their entire approval.

Believing that some definite time should be set, when the reduced passenger rate would become effective, the Commission on June 16th, 1908, issued an order in the premises, promulgating a passenger rate of three cents per mile for the Montana Railroad, effective August 1st, 1908. The Railroad Company has complied with the order. See Order No. 19.

NO. 53. FORMAL.

BELT COMMERCIAL CLUB,

vs.

GREAT NORTHERN RAILWAY COMPANY.

Subject: Freight rate on Potatoes, Belt to Butte.

Result: Freight rate on Potatoes, Belt to Butte reduced from 25 cents to 20 cents per cwt.

Complaint filed May 7th, 1908.

Matter adjusted without hearing June 5th, 1908.

On May 6th, 1908, the Belt Commercial Club in a complaint filed with the Commission, stated that the existing freight rate on potatoes, Belt to Butte, via Great Northern Railway was 25 cents per cwt; that Butte was the principal market for the commodity in Montana; that Belt dealers could not put potatoes in Butte at existing rate and compete with outside shippers.

The matters was taken up with Mr. W. P. Kenney, Assistant Traffic Manager and Mr. H. A. Jackson, Assistant General Freight and Passenger Agent of the Great Northern Railway Company and the rate on potatoes between Belt and Butte, reduced to 20 cents per cwt., the rate being satisfactory to the complainants.

NO. 54. FORMAL.

THOMAS O. MILES,

vs.

BUTTE, ANACONDA & PACIFIC RY. CO.

Subject: Passenger train service at Miles Crossing, Montana.

Result: Additional passenger service inaugurated by the Railway Company.

Complaint filed May 20, 1908.

Matter adjusted without hearing, May 29, 1908.

Complainant stated that the citizens in the vicinity of Miles Crossing were not afforded reasonable passenger service by the Butte, Anaconda & Pacific Railway Company and requested that Miles Crossing be made a flag stop for one additional passenger train east bound, daily.

The matter was taken up by correspondence with officials of the Butte, Anaconda & Pacific Railway Company with the result that orders were issued by the defendant company making Miles Crossing a flag stop for its passenger train No. 6. This arrangement being entirely satisfactory to the complainant.

FIRST ANNUAL REPORT

NO. 55. FORMAL.

CITIZENS OF CORBIN,
VS.
GREAT NORTHERN RAILWAY COMPANY.

Subject: Protest against closing depot agency and telegraph office at Corbin.

Held: That the defendant Railway Company on or before July 15th, 1908, open a station at Corbin and install an agent therein.

Complaint filed March 26th, 1908.

Order issued, June 17th, 1908.

The complaint stated that on March 20th, 1908, the Great Northern Railway Company discontinued its station at Corbin, thereby greatly inconveniencing the citizens of that locality in the transaction of their freight express, passenger and telegraph business.

A hearing on complaint was held at the Department Offices on April 8th, 1908, the complainants and the defendant Railway Company being represented. From the evidence adduced at the hearing the Commission found for the complainants and under date of June 17th, 1908, an order in the premises requiring that the Great Northern Railway Company open a station at Corbin, Montana, and install an agent therein on or before July 15th, 1908.

The station was accordingly re-opened and an agent installed. See Order No. 20.

NO. 56. FORMAL.

J. M. BOX, ET AL.,
VS.
NORTHERN PACIFIC RAILWAY CO.

Subject: Fencing of Defendant Company's right of way from Butte City limits east to foot hills.

Complaint filed April 15th, 1908.

Pending.

J. M. Box and other residents of Butte and vicinity filed complaint with the Commission, stating that owing to the Northern Pacific Railway Company's right of way, from Butte City limits east to the foot hills being unfenced, the complainants had suffered damage through the killing of live stock by trains of the Railway Company. The complainants asked that the company be compelled to fence its right of way. The matter has been taken up with officials of the Railway Company and is pending.

NO. 57. FORMAL.

CITIZENS OF TUSCOR,

VS.

NORTHERN PACIFIC RAILWAY CO.

Subject: Making Tuscor flag stop for passenger trains Nos. 5 and 6.
Complaint filed July 13th, 1908.
Matter adjusted July 28th, 1908.

Citizens of Tuscor and vicinity filed complaint July 13th, 1908, asking that Tuscor station be made flag stop for one passenger train each way daily.

The Commission arranged to have the Northern Pacific Railway Co. stop its trains numbers 5 and 6 at Tuscor daily on flag.

NO. 58. FORMAL.

CITIZENS OF BAINVILLE,

VS.

GREAT NORTHERN RAILWAY CO.

Subject: Opening a crossing on county road near Bainville station.
Complaint filed July 8th, 1908.
Matter pending.

Citizens of Bainville and vicinity filed complaint with the Commission July 8th, 1908, asking that a crossing be opened up on the county road near Bainville station.

The matter has been taken up with officials of the Railway Company.
Result pending.

NO. 59. FORMAL.

H. J. ALLEN,

vs.

OREGON SHORT LINE RAILROAD CO.

Subject: Shortage on coal weights.

Complaint filed June 7th, 1908.

Matter pending.

H. J. Allen, proprietor of the Anaconda Coal Company filed complaint against the Oregon Short Line Railroad Company, June 27th, 1908, with reference to claim for shortage in coal weights.

The Complainant stated that the defendant company did not have proper scales at Diamondville, Wyoming, for the weighing of cars loaded with coal, it being necessary to weigh one end of a car at a time, with the result that the weights were incorrect.

The matter was promptly taken up with the Oregon Short Line Railroad Company and the result is pending.

NO. 60. FORMAL.

BITTER ROOT STOCK FARM,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Interstate freight rate on wool, Hamilton to St. Paul, Minn.

Result: Rate reduced from \$1.54 to \$1.40 per hundred.

Complaint filed July 16th, 1908.

Matter adjusted July 16th, 1908.

The Bitter Root Stock Farm, by its manager, P. J. Shannon, filed complaint July 16th, 1908, against the Northern Pacific Railway Co., with reference to the freight rate on wool from Hamilton to St. Paul.

The rate in question, covering interstate movement, was beyond the jurisdiction of the Commission; but the matter was taken up with the officials of the Northern Pacific and the existing rate of \$1.54, reduced to \$1.40 per hundred.

NO. 61. FORMAL.

BOULDER LIME COMPANY,
vs.

GREAT NORTHERN RAILWAY CO., NORTHERN PACIFIC RAILWAY CO.

Subject: Rate on lime rock from complainant's quarries on Elkhorn branch to Butte.

Complaint filed June 30th, 1908.

Matter pending.

The Boulder Lime Company, by its president B. F. Forbes, filed complaint with the Commission June 30th, 1908, against the Great Northern Railway Company and the Northern Pacific Railway Company, with reference to joint freight rate on lime rock from complainant's quarries situated on the Elkhorn Branch of the Northern Pacific Railway Co., to Butte. The complainant states that the existing rate of 90 cents per ton is exorbitant and unreasonable and does not allow competition.

The Commission has taken this matter up with officials of the defendant Railway Companies and the result is pending.

NO. 62. FORMAL.

CITIZENS OF FLATHEAD COUNTY,
vs.

GREAT NORTHERN RAILWAY CO.

Subject: Protest against Great Northern Railway Co., tearing up its track between Lakeview and Marion.

Attorney General held that the subject was without the jurisdiction of commission.

Complaint filed June 22nd, 1908.

Matter dismissed July 7th, 1908.

June 22nd, 1908, a telegram was received by the Commission from Thomas D. Long of Kalispell, representing thirty-four freeholders of Flathead county, protesting against the Great Northern Railway Company tearing up its track between Lakeview and Marion.

The Commission asked the Attorney General for an opinion as to its jurisdiction in the premises. On July 7th, 1908, the Attorney General in an opinion upon the subject, held that the Commission was without authority in the matter. The complainants attorney was furnished with a copy of the opinion and advised that the complaint had been dismissed. See opinions of Attorney General.

FIRST ANNUAL REPORT

NO. 63. FORMAL.

BUTTE GAS, LIGHT & FUEL CO.,

VS.

OREGON SHORT LINE RAILROAD CO.

Subject: Interstate rate on coal, Ogden and Salt Lake to Butte.

Complaint filed July 30th, 1908.

Matter pending.

The Butte Gas Light and Fuel Co. filed complaint with the Commission July 30th, 1908, stating that the Oregon Short Line Railroad Company was charging a freight rate of \$7.20 per ton on Sunnyside coal from Ogden and Salt Lake to Butte; that prior to March 22nd, 1908, the freight rate on said coal had not exceeded \$2.50 per ton; that the present rate is excessive and unreasonable.

The rate in question covering interstate traffic and being therefore, beyond the jurisdiction of the Commission, the good offices of the Commission were tendered the complainant. The matter has been taken up with the defendant Railroad Company; also with the Interstate Commerce Commission at Washington. Result pending.

NO. 64. FORMAL.

SELWAY SHEEP CO.,

VS.

OREGON SHORT LINE RAILROAD CO.

Subject: Storage charges on shipment of paint.

Result: Charges assessed in error and amount refunded.

Complaint filed July 20th, 1908.

Matter arranged July 22nd, 1908.

The Selway Sheep Co. of Dillon, through its President, E. O. Selway filed complaint July 20th, 1908, against the Oregon Short Line Railroad Company stating that the Railroad Company's agent at Dillon refused to deliver a shipment of freight to the complainant without the payment of storage charges. Further that the first and only notice the complainant received of the arrival of the freight was dated July 15th; that on July 16th payment of freight charges was tendered but delivery of consignment refused unless storage charges were paid from June 30th, the date the freight arrived.

The matter was taken up with officials of Oregon Short Line Railroad Co., and as the storage charges had been incorrectly assessed, the demand for payment was withdrawn.

NO. 65. FORMAL.

MONTANA LARCH AND PINE MNFRS. ASSOCIATION,
vs.

CREAT NORTHERN RAILWAY COMPANY, CHICAGO, MILWAUKEE & ST.
PAUL RAILWAY CO.

Subject: Track connection between defendant companies lines near Judith Gap.

Complaint filed July 10th, 1908.

Matter pending.

The Montana Larch and Pine Manufacturers' Association of Kalispell filed complaint July 10th, 1908, against the Great Northern Railway Company and the Chicago, Milwaukee and St. Paul Railway Company, asking that track connection between the defendant companies lines be made at some point near Judith Gap.

The matter has been taken up by the Commission and is pending.

NO. 66. FORMAL.

CITIZENS OF OLIVE,
vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Request that Olive station be made flag stop.

Complaint filed August 5th, 1908.

Matter pending.

The citizens of Olive under date of August 5th, 1908, filed complaint with the Commission requesting that Olive be made a flag stop for passenger trains of the Northern Pacific Railway Company. The subject has been taken up with the Railway Company. Result pending.

NO. 67. FORMAL.

MERCHANTS OF FORSYTH,
vs.
NORTHERN PACIFIC RAILWAY CO.

Subject: Distributing rates from Forsyth.

Result: Rates satisfactory to complainants put in by Northern Pacific Railway Co.

Complaint filed April 11th, 1908.

Matter adjusted May 6th, 1908.

April 11th, 1908, the Merchants of Forsyth filed complaint with the Commission asking that distributing rates be established via the Northern Pacific Railway from that point.

The Commission arranged for distributing rates out of Forsyth both via the Northern Pacific and the Chicago, Milwaukee and St. Paul Railways, the same being entirely satisfactory to the complainants.

NO. 68. FORMAL.

MERCHANTS OF BILLINGS,
vs.
CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Subject: Distributing rates from Billings.

Result: Distributing rates put in.

Complaint filed May 15th, 1908.

Complaint adjusted June 5th, 1908.

On May 15th, 1908, Merchants of Billings filed complaint with the Commission asking that distributing rates, lower than those then in effect be put in from Billings to points on the Chicago, Burlington & Quincy Railroad.

This subject was taken up with officials of the defendant Railroad Company and resulted in distributing rates, satisfactory to the complainants, being established.

NO. 69. FORMAL.

FLATHEAD FRUIT GROWERS' ASSOCIATION,
VS.
GREAT NORTHERN EXPRESS CO.

Subject: Express rates on fruit and vegetables.

Result: Rates reduced.

Complaint filed June 17th, 1908.

Matter adjusted June 24th, 1908.

The Flathead Fruit Growers' Association through its secretary, George Betzer, filed complaint June 17th, 1908, against the express rates of the Great Northern Express Company on fruit and vegetables from Somers, Montana, to points on the Great Northern Railway.

Upon the matter being taken up with officials of the Great Northern Express Co., rates were very materially reduced from Somers.

NO. 70. FORMAL.

DAN DAVIS,
VS.
NORTHERN PACIFIC RAILWAY CO.

Subject: Claim for damage, account killing colt.

Complaint filed May 2nd, 1908.

Matter pendng.

Dan Davis of Elliston filed claim with the Commission May 2nd, 1908, against the Northern Pacific Railway Company for killing a colt owned by the complainant.

This matter was promptly taken up with officials of the Northern Pacific Railway Co. and is pending.

NO. 71. FORMAL.

CITIZENS OF TETON,
vs.

GREAT NORTHERN RAILWAY CO.

Subject: Opening of station and installing of agent at Teton.
Result: Held that business at Teton did not warrant agency.
Complaint filed May 6th, 1908.
Matter closed.

Citizens of Teton filed complaint May 7th, 1908, asking that the station at that point be provided with an agent. The Commission upon investigation found that the freight and passenger business at Teton did not warrant the installing of an agent at that point. The complainants were so advised after an opportunity had been given them to refute the figures submitted by the Railway Company as to earnings of the station in question.

NO. 72. FORMAL.

BEAR CREEK COAL CO., INTERNATIONAL COAL CO.,
vs.NORTHERN PACIFIC RAILWAY CO., YELLOWSTONE PARK RAILROAD
COMPANY.

Subject: Rates on coal, Bear Creek field to Helena and Butte.
Result: Pending.
Complaint filed March 6th, 1908.
Matter pending.

The Bear Creek Coal Co. and International Coal Co., operating at Bear Creek, Montana, filed complaint with the Commission March 6th, 1908, asking that the present joint rate on coal via Yellowstone Park Railroad and Northern Pacific Railway from the Bear Creek coal fields to Helena and Butte be reduced from \$2.15 to \$1.90 per ton, thereby allowing competition with coal from Wyoming mines. The Commission has had the matter actively in hand, having had a number of conferences with the officials of both Railroad Companies and the complainants.

The fact that the Yellowstone Park Railroad has no cars for coal loading and must necessarily depend upon the Northern Pacific Railway for such equipment, has handicapped the Commission in reaching an early conclusion in the matter of this complaint. However the Commission has already secured concessions in the premises and expects a satisfactory adjustment of the matter in the near future.

NO. 73. FORMAL.

JOHN STANLEY ET AL.,

VS.

NORTHERN PACIFIC RAILWAY CO.

Subject: Installation of agent at Reed Point.

Result: Pending.

Complaint filed June 12th, 1908.

Matter pending.

John Stanley and other residents of Reed Point and vicinity under date of June 12th, 1908, petitioned the Commission for an agent at Reed Point station of the Northern Pacific Railway Company.

The matter has been taken up with officials of the Railway Company and is pending.

NO. 74. FORMAL.

E. J. OLANDER,

VS.

NORTHERN PACIFIC RAILWAY CO.

Subject: Installation of agent at Big Horn.

Result: Agent put in.

Complaint filed April 23rd, 1908.

Matter adjusted June 2nd, 1908.

On behalf of residents of Big Horn and vicinity E. J. Olander filed complaint April 23rd, 1908, asking that an agent be installed at Big Horn station.

The matter was taken up by the Commission through G. A. Goodell, General Superintendent of the defendant Railway Company and the agent installed.

NO. 75. FORMAL.

EDWARD DONLAN,
vs.
NORTHERN PACIFIC RAILWAY CO.

Subject: Rate on lumber Lavelle Spur to Russel Spur, for milling.

Result: Rate of 2 cents per hundred established.

Complaint filed June 2nd, 1908.

Matter adjusted June 6th, 1908.

Edward Donlan of Missoula requested the Commission to establish a rate on lumber from Lavelle Spur to Russel Spur, a distance of 17 miles, for the purpose of milling the lumber at the latter point.

The matter was taken up with J. B. Baird, General Freight Agent, Northern Pacific Railway Co. and a rate of 2 cents per hundred put in.

NO. 76. FORMAL.

A. B. DUKE & Co.,
vs.
GREAT NORTHERN RAILWAY CO.

Subject: Interstate freight rate on leather San Francisco to Chinook.

Result: Through rate lined up equal to the combination of locals thereby reducing complainant's rate to Chinook.

Complaint filed March 5, 1908.

Matter adjusted April 13, 1908.

On March 5th, 1908, A. B. Duke & Co. of Chinook, made complaint as to the interstate freight rate on leather from San Francisco to Chinook, claiming that the same was excessive. The rate being interstate was beyond the jurisdiction of the Commission, but its good offices were offered the complainants.

It was found that the through rate under existing tariffs was \$2.31 per hundred while the combination of local rates on leather between San Francisco and Chinook amounted to but \$1.40 per cwt., making a difference of 91 cents per hundred.

The Great Northern Railway Company was requested to line up the through rate equal to the sum of the locals and did so.

NO. 77. FORMAL.

JOHN O'BRIEN,
vs.GREAT NORTHERN RAILWAY CO.

Subject: Road crossing at complainant's place at Yarnall.

Result: Crossing put in.

Complaint filed January 14th, 1908.

Matter satisfactorily adjusted.

John O'Brien of Yarnall, filed complaint January 14th, 1908, requesting that the Great Northern Railway Company put in a road crossing at his place near Yarnall.

The Commission requested the defendant Railway Company to construct the crossing and the same was put in.

NO. 78. FORMAL.

C. C. SARGENT,
vs.GREAT NORTHERN RAILWAY CO.

Subject: Request for agency at Nashua.

Result: Held that business of Railway Co. at Nashua did not warrant agency.

Complaint filed November 22nd, 1907.

Matter closed December 20th, 1907.

C. C. Sargent of Nashua, under date of November 22nd, 1907, filed complaint requesting that the Great Northern Railway Company establish an agency at Nashua.

From figures obtained by the Commission as to freight and passenger receipts at Nashua, after carefully considering the matter it was held that the business at Nashua did not warrant the ordering of an agency at that station.

NO. 79. FORMAL.

TEMPLETON LUMBER CO.

vs.

NORTHERN PACIFIC RAILWAY CO., CHICAGO, BURLINGTON & QUINCY
R. R. COMPANY.

Subject: Interstate rate on plaster Hot Springs, S. D. to Laurel.

Result: Satisfactory rate secured.

Complaint filed April 16th, 1908.

Matter arranged June 23rd, 1908.

The Templeton Lumber Co. of Laurel, filed complaint April 16th, 1908, stating that the through freight rate on plaster from Hot Springs, S. D. to Laurel was 30 cents per cwt., while the combination of local rates from Hot Springs, S. D. to Billings and from Billings to Laurel amounted to but 25 cents per hundred.

The Commission asked the Northern Pacific and Burlington Companies to line up the through rate equal to the combination of the local rates, which was done.

NO. 80. FORMAL.

TETON FARMERS AND STOCK GROWERS' ASSOCIATION,

vs.

GREAT NORTHERN RAILWAY CO.

Subject: Interstate rate on oats, Collins to Twin Cities.

Result: Matter arranged to satisfaction of complainant.

Complaint filed October 25th, 1907.

Matter adjusted October 31st, 1907.

Complaint was received from the Teton Farmers' and Stock Growers' Association at Collins, Montana, protesting against the rate of 50 cents per hundred on oats from Collins to Twin Cities as quoted by the agent of the Great Northern Railway Co.

The proper rate on oats between the points mentioned being 40 cents per cwt., the complainant was advised to that effect and secured such rate.

NO. 81. FORMAL.

L. H. SINCLAIR,
vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Assessment of storage charges on trunk.

Result: Refund of charges made.

Complaint filed July 31st, 1907.

Matter adjusted July 31st, 1907.

L. H. Sinclair of East Helena under date of July 31st, 1907, filed complaint with the Commission stating that a trunk checked from Portland to East Helena had been put off at Helena station, then forwarded to East Helena with storage and forwarding charges of sixty cents.

The Commission promptly secured refund of the charges to the complainant.

NO. 82. FORMAL.

JAY MOORE,
vs.

NORTHERN PACIFIC RAILWAY CO., MONTANA RAILROAD CO.

Subject: Failure to place cars for cattle loading.

Result: Cars promptly placed.

Complaint filed November 6th, 1907.

Matter adjusted November 12th, 1907.

On November 6th, 1907, Jay Moore of Lennep filed complaint with the Commission stating that although he had cars ordered for a long time, the same to be used for cattle loading, he had been unable to get the cars placed.

The Commission at once took the matter up and secured prompt placing of the cars.

NO. 83. FORMAL.

J. B. MITCHELL,

vs.

MONTANA RAILROAD CO.

Subject: Overcharge shipment of freight.

Result: Refund made in satisfactory amount.

Complaint filed August 15th, 1907.

J. B. Mitchell of Castle, filed complaint under date of August 15th, 1907, against the Montana Railroad Company, claiming overcharge on shipment of household goods from the Dalles, Oregon, to Lennep, Montana.

Upon checking the matter up it was found that the position of the complainant was correct and refund in satisfactory amount was secured.

NO. 84. FORMAL.

E. H. LAMBERT,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Failure to correctly report delayed trains.

Result: Service corrected.

Complaint filed June 26th, 1907.

Matter adjusted July 1st, 1907.

Under date of June 26th, 1907, E. H. Lambert of Helena, made complaint to the Commission with reference to failure of the Northern Pacific Railway Company to correctly report delayed passenger trains.

Upon the matter being taken up with officials of the Railway Company, orders were issued and the service complained of corrected.

NO. 85. FORMAL.

DELL TELEPHONE CO.,

vs.

NORTHERN PACIFIC RAILWAY CO.

Complaint: Failure to have cars placed for loading at Noxon.

Result: Cars promptly placed.

Complaint filed July 24th, 1907.

Matter adjusted August 1st, 1907.

The Dell Telephone Co. of Dell, through its President, H. C. Patterson filed complaint July 24th, 1907, stating that the Company had ordered cars of the Northern Pacific Railway Company, to be placed at Noxon for loading with poles, but that the Railway Company had failed to furnish the cars.

The matter was taken up by the Commission and cars promptly placed.

NO. 86. FORMAL.

BOULDER MERCANTILE CO.,

vs.

NORTHERN PACIFIC RAILWAY CO.

Complaint: Delay in delivery of car of flour.

Result: Prompt delivery of car secured.

Complaint filed October 14th, 1907.

Matter adjusted October 16th, 1907.

The Boulder Mercantile Company on October 14th, 1907, complained that a car of flour shipped by the Bozeman Milling Co., September 28th, 1907, consigned to the complainant at Boulder, had been held in the Helena yards of the defendant company for ten days.

The Commission immediately took the matter up and delivery of the car was made at Boulder on October 16th, 1907.

NO. 87. FORMAL.

A. C. SPENCER,
vs.
NORTHERN PACIFIC RAILWAY CO.

Subject: Passenger fare rate.
Complaint filed July 24th, 1908.
Pending.

A. C. Spencer of Red Lodge, filed complaint July 24th, 1908, against the Northern Pacific Railway Company, stating that on July 19th, 1908, tickets were sold for round trip between Billings and Red Lodge at \$2.35, while for the round trip fare from Laurel to Red Lodge, \$2.65 was charged. The mileage between Laurel and Red Lodge is 19 miles less than between Billings and Red Lodge.

The Commission has taken the matter up with officials of the Railway Company.

NO. 88. FORMAL.

CITIZENS OF FLATHEAD COUNTY,
vs.
GREAT NORTHERN RAILWAY CO.

Subject: Sunday passenger train service between Kalispell and Somers.
Result: Service inaugurated as asked for.
Complaint filed May 27th, 1908.
Matter adjusted July 15th, 1908.

Citizens of Flathead County made request to the Commission asking that the passenger service between Kalispell and Somers be made daily including Sunday, for the summer season.

The Great Northern Railway complied with the request of the Commission in the matter and the additional service was inaugurated July 19th, 1908.

NO. 89. FORMAL.

MATT RICHARDSON,

vs.

GREAT NORTHERN RAILWAY CO.

Subject: Failure to furnish empty car for loading.

Result: Car furnished promptly.

Complaint filed July 14th, 1908.

Matter adjusted.

July 14th, 1908, Matt Richardson of Armington made complaint stating that he was experiencing much inconvenience in delay on the part of the Great Northern Railway Company, in furnishing empty cars for coal loading.

The Commission upon taking the matter up with officials of the Railway Company had the cars placed promptly.

NO. 90. FORMAL.

O. H. MILLER,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Overcharge on shipment of automobile.

Result: Refund of overcharge made.

Complaint filed June 29th, 1908.

Matter adjusted July 24th, 1908.

June 29th, O. H. Miller of Diamond City filed complaint with the Commission stating that he had been overcharged on shipment of an automobile billed from Lansing, Michigan to Townsend Montana.

Upon checking up the rates it was found that overcharge had been made and under date of July 24th, 1908, the complainant advised that refund had been made in satisfactory amount.

NO. 91. FORMAL.

JOHN EBERHART ET A.,

vs.

NORTHERN PACIFIC RAILWAY CO.

Subject: Construction of spur track at West End.

Complaint filed August 12th, 1908.

Matter pending.

John Eberhart and other citizens of West End, filed complaint with the Commission August 12th, 1908, asking that a spur track be constructed by the Northern Pacific Railway Company at West End, Montana, for the convenience of citizens in loading and unloading freight.

The matter has been taken up with officials of the Railway Company. Result pending.

ORDERS.

*ORDER NO. 1.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

IN RE FREIGHT AND PASSENGER TARIFFS ON THE GREAT NORTHERN
RAILWAY.

Whereas, the duly and regularly appointed, qualified and acting Board of Railroad Commissioners of the State of Montana, composed of B. T. Stanton, Nathan Godfrey and E. A. Morley, have had under serious and earnest consideration and investigation, pursuant to authority of law, the subject of the proper tariffs to be established within the bounds of the State of Montana for the carriage of freight and passengers on the Great Northern Railway, to correct abuses, prevent unjust discrimination and extortions;

And Whereas, there was duly and regularly published for a period of at least ten (10) days in two daily newspapers viz: the Helena Daily Record, published in the City of Helena, Lewis and Clark County, State of Montana, and the Butte Evening News, published in the City of Butte, Silver Bow County, State of Montana, a notice wherein it was stated that on the 10th day of July, 1907, the said Board of Railroad Commissioners would meet at their offices in the Capitol Building at the City of Helena, County of Lewis and Clark, State of Montana, at the hour of 2 o'clock P. M., for the purpose of adopting maximum classifications and freight and passenger rates to be charged by all railroads operating as common carriers in the State of Montana, for transporting freight and passengers within the State of Montana, and also that there would be offered to any person, firm, corporation, or common carrier an opportunity to be heard upon such subject;

And Whereas, in compliance with the law and pursuant to said notice, the said Board duly and regularly met on said 10th day of July, 1907, and thereafter remained in session, pursuant to adjournments duly and regularly had, until this 25th day of July, 1907;

And Whereas, in this connection, both formal and informal hearings have been had and held before said Board, at which all persons interested were given opportunity to be heard, and were fully heard;

And Whereas, after such hearings and after independent investigations made by said Board, and the members thereof, by comparisons with the rates existing in other states, cost of operation, and the like;

Now, Therefore, on this 25th day of July, 1907, the said Board being as fully advised as is practicable, with respect to the subject of proper

and reasonable tariffs to be now established and made effective on the Great Northern Railway, within the State of Montana, for the carriage of passengers and freight, has agreed to the attached schedules of tariffs as that which shall be charged by the Great Northern Railway Company for the carriage of both freight and passengers, from and after the 15th day of August, 1907, and it is accordingly hereby ordered that the said rates certified to by this Commission, in the attached schedules, shall constitute the rates of said railroad for the carriage of passengers or freight within the State of Montana, and that the same shall continue in force and effect and be the only rates charged by said railroad for the various items therein specifically covered, until the further order or directions of this Board.

It is further ordered that a certified copy of this order together with the attached schedules of tariffs for the carriage of freight and passengers within the State of Montana, be, by the secretary at once served upon the proper officer or representative of said railroad company, either personally or by registered mail, and that said railroad company shall at least two days before this order becomes operative display in a conspicuous place in each of its passenger depots and freight offices in this state, a schedule printed in plain legible English type, giving notice of the existence of such schedules and showing all classifications of rates hereby fixed and established, and further, the secretary is hereby directed to cause notice of the adoption of said schedules, to be published for two successive weeks in the Helena Daily Record published in the City of Helena, Lewis and Clark County, State of Montana, specifying the date when such schedules shall take effect.

In Witness Whereof, the Board of Railroad Commissioners of the State of Montana, has hereunto set its name and affixed its official seal by and under authority of its members.

THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA,

(Signed)

By B. T. STANTON,
Chairman.

NATHAN GODFREY,
Commissioner.

E. A. MORLEY,
Commissioner.

Attest:

H. K. HOWRY,
Secretary.

*The Above Order Was Served on
The Northern Pacific Railway Co.
The Great Northern Railway Co.
The Oregon Short Line Railroad Co.
Chicago, Burlington & Quincy Railroad Co.
Yellowstone Park Railroad Co.
Montana Railroad Co.
Butte, Anaconda & Pacific Railway Co.

THE FOLLOWING FREIGHT AND PASSENGER RATES PROMULGATED BY
ORDER NO. 1 FOR THE GREAT NORTHERN RAILWAY CO.

FREIGHT TARIFFS.

Montana R. C. No.	R. R. No. Amdts. in Effect	Commodity	Description of Tariff
2	9, 10, 11, 12	.....	Western Classification No 42.
3	9, 11	.....	Official table of Distances.
5	2384 of '96, 2	Livestock	Distance tariff between stations in Montana.
6	9200 of '03	Merchandise	From Helena, Butte, etc., to Montana points.
7	9838 of '03, 37, 38	Lumber, etc.	Kalispell, etc., to Mont. stations on G. N. and B., A. & P.
8	12384 of '04, 1	Livestock	Distance tariff on
9	16099	Sand, brick, etc.	Distance tariff between stations in Montana.
10	17090	.....	Rates on exhibits for expositions, fairs, etc.
12	17318	.....	Absorption of switching charges at competitive stations
13	17351, 1	.....	Changing consignee or destination of freight in transit.
14	17363	.....	Car service rules at Butte, etc.
15	17388	.....	Icing charges on perishable freight E. of Havre
16	17391	.....	Car service rules at stations other than Butte
17	17442	.....	Rules for handling of cars for distribution
18	17470	.....	Charges for icing perishable freight east-bound
19	17619	.....	Loading cars to their full capacity
20	17655	Wood, etc.	Distance tariff between stations in Montana
22	17725, 4, 9	.....	Switching at various Montana stations
23	17842	.....	Mileage allowance on private line equipment
26	18151, 1, 3, 5 & 6	Commodities	Locally on G. N. also jointly with B., A. & P.
27	18163, 4, 5	Ores, etc.	Locally on G. N. also jointly with B., A. & P.
29	18190, 1	Livestock	Regulations for transportation of, with or without attendants.
32	18231	.....	Car service rules—stations W. of Rexford, Mont
34	18313	Classes	Distance tariff between stations in Montana
35	18353	.....	Circular showing track connections of G. N. Ry.
36	18356, 1	.....	Refrigerator schedule for L. C. L. perishable freight.
38	18431	Explosives	Rules and regulations for handling.
40	18445	.....	Regulations for transportation to parties in charge of perishable freight.
43	18576	.....	Storage charges on L. C. L. freight.
44	18619	.....	Equipment for light and bulky freight.
45	18624	.....	Furnishing cars of different size than ordered.
49	14218 of '04	Classes	From Kalispell to various Montana points.
50	18331	Lime rock	Kirkendall to P. P. Junction, joint with N. P.
51	17838	Baggage	Rules for transportation of, on freight trains.
54	.....	Coal	Rates from Sand Coulee, Armington, Havre, etc., to all stations in Montana, also to Anaconda via B., A. & P. Ry.
55	17909	.....	Feed loaded in cars with Livestock.
56	17973	.....	Feeding of Livestock in transit.
57	7164 of '01	.....	Rates to and from Somers, Montana.
58	.....	Lime rock	Kirkendall to Black Eagle.
59	12904 of '04	.....	Estimated weights on wood.
60	7781 of '02, 1	.....	Extra charges for use of Special Livestock cars

GREAT NORTHERN RAILWAY COMPANY.

PASSENGER TARIFFS.

Mont. R. C. No.	Description and Number of Tariff.
5	Interchangeable 3,000 Mile Tickets.
6	Local Passenger Tariff No. 181, rates between stations on Minot and Havre Div.
12	Local and Foreign Excess Baggage Tariff No. 2.
20	Local Passenger Tariff No. 161, rates Havre to Butte, including Sand Coulee, Stockett and Neihart Branches, and Great Falls to Sweet Grass; also includes Supplement No. 1.
21	Local Passenger Tariff No. 162, rates Havre to Whitefish; Kalispell Branch on Minot, Montana and Kalispell divisions. Also includes supplement No. 1
22	Local Passenger Tariff No. 163, rates from Whitefish, Montana, to Spokane, Washington, and Redford to Fernie, B. C., also includes supplement No. 3.
25	Sleeping Car Tariff No. 18 and supplement No. 2; seat and berth rates between all stations in Montana.
26	Montana Rate Sheet No. 38; Supplements 2 and 3, rates from Helena, Butte, Anaconda and Garrison to Anaconda and Silver Bow; also applies on interstate traffic.
18	Passenger rates for the transportation of U. S. Troops; Special Tariff No. 35.
16	Rates between Helena and State Fair grounds. Special Tariff No. 22.
15	Rates for movement of U. S. Fish Commission Cars. Special Tariff No. 21.
13	One way tickets between Butte and Kalispell. Special Tariff No. 8.
39	Circular No. 3675, instructions to Conductors, etc., regarding Mileage Tickets, Excess Baggage Tickets, etc.
11	Instructions to Ticket Agents, Conductors and Baggage-men, No. 2.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

IN RE PASSENGER AND FREIGHT TARIFFS OF THE GREAT NORTHERN RAILWAY COMPANY.

(CERTIFICATE.)

State of Montana, County of Lewis and Clark, ss.:

I, H. K. Howry, the duly appointed, qualified and acting Secretary of the Board of Railroad Commissioners of the State of Montana, do hereby certify that the tariffs designated and enumerated in freight schedules, Mont. R. C. Nos. 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 26, 27, 29, 32, 34, 35, 36, 38, 40, 43, 44, 45, 49, 50 51, 53, 54, 55, 56, 57, 59, and 60; passenger tariffs Mont. R. C. Nos. 5, 6, 12, 20, 21, 22, 25, 26, 18, 16, 15, 13, 39, and 11, on the sheets hereto attached, are true, correct and complete copies of the classifications and rates of charges within the boundaries of the State of Montana, for the carriage of passengers and freight, fixed by order of the Board of Railroad Commissioners of the State of Montana, duly made and entered on the 25th day of July, 1907,

for the Great Northern Railway and effective on the 15th day of August, 1907, and I do hereby further certify that the order attached thereto, is a true and correct copy of the order of the said Board, fixing and establishing such tariffs.

In Witness Whereof, I have hereunto set my hand and caused the seal of said Board to be affixed hereto, this 25th day of July, 1907.

H. K. HOWRY,
Secretary.

(Seal.)

NOTICE.

To Whom It May Concern:

Notice is hereby given by the Board of Railroad Commissioners of the State of Montana, that upon the 25th day of July, 1907, by order of said Commission, duly and regularly made and entered fixing the classifications and the tariff rates for the carriage of freight and passengers within the State of Montana on the Great Northern Railway, which said tariff rates will pursuant to said order be effective on the 15th day of August, 1907. Any person desiring to advise himself of such classification and rates may call at the office of the Secretary of this Board at the State Capitol, at Helena, Montana, and will be given full opportunity there to examine the tariff sheets by said Board adopted and likewise, the said tariff rates by said Board adopted will be found and may be examined at the freight and passenger depot and ticket offices of said railroad company.

Dated this 31st day of July, 1907.

BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

By B. T. STANTON,
Chairman.

NATHAN GODFREY,
Commissioner.

E. A. MORLEY,
Commissioner.

Attest:

H. K. HOWRY,
Secretary.

THE FOLLOWING FREIGHT AND PASSENGER RATES PROMULGATED BY
ORDER NO. 1 FOR THE OREGON SHORT LINE R. R. COMPANY.

FREIGHT TARIFFS.

Mont. R. C. No.	R. R. No.	Amendments in Effect	Commodity	Description of Tariff.
1	2074-B		3 Commodities	Joint tariff with G. N., N. P. and B., A. & P. Rys.
2	2707	16, 18, 19, 21, 23, 24, 26, 27, 28, 29, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45 to 52 incl.		Local also joint with B., A. & P. Ry. rules and regulations governing transportation of freight.
3	2700	10 and 12		Official distance table.
5	2984-A	Sup. 1	Explosives	Rules and regulations joint with B., A. & P. Ry. covering transportation of.
6	Letter			Rules and regulations governing transportation of wool shipments.
7	2029-B			Switching rates at points of on Oregon Short Line.
8	2015-B	Sup. 1	Supplies	Free transportation of supplies for use of O. S. L. lunch counters, etc.
9	2913 D		H. H. goods	Free transportation for employes moved in the Company's service.
10	2024 A		3 Class and Commodities	Between stations on O. S. L., also between points on O. S. L. and points on N. P., G. N. and B., A. & P. Rys.
11	3084 B		Supplies	Between all O. S. L. stations for use of W. U. Tel. Co. free.
13	1079	Sup. 1, 3, 4, 5		Transportation of men in charge of livestock, perishable freight, etc.
14		9, 10, 11, 12		West. Classification No. 42.
15	2721		Livestock	Min. weights on.
16	2727		Sheep	Rules and regulations covering movement of sheep locally in Montana, also interstate.
17	Cir 146		Livestock	Quarantine regulations in State of Mont.
18	2032 B		4 Ore, etc.	Locally on O. S. L. also joint with B., A. & P. Ry.
19	2090-C		Ore, concentrates, etc.	Divide, Melrose, Dillon, and Barretts to P. P. Jct. via Silver Bow and N. P.
20	3030			Storage charges at station on Oregon Short Line.
21				Car Service Rules of Butte Terminal Association.
22	2322 B		Exhibits	Rates on to expositions, etc.
23	2048 A		Commodities	Between points on O. S. L. R. R., B., A. & P., G. N. and N. P. Ry.

*Existing contract to be filed with Montana Railroad Commission.

OREGON SHORT LINE RAILROAD COMPANY.

PASSENGER TARIFFS.

Mont. R. C. No.	Railroad Number and Description of Tariff.
1, Sup. 1, 2, 3	Local Passenger Tariff No. 16, rates between stations Pocatello to Butte and branches.
2	Local Excursion Tariff No. "D," rates between stations Pocatello to Butte and branches.
3	Local Baggage tariff No. 4.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.IN RE PASSENGER AND FREIGHT TARIFFS OF THE OREGON SHORT
LINE RAILROAD COMPANY.

(CERTIFICATE.)

State of Montana, County of Lewis and Clark, ss.:

I, H. K. Howry, the duly appointed, qualified and acting Secretary of the Board of Railroad Commissioners of the State of Montana, do hereby certify that the tariffs designated and enumerated in freight schedules, Mont. R. C. Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, passenger tariffs Mont. R. C. Nos. 1, 2, and 3, on the sheets hereto attached, are true, correct and complete copies of the classifications and rates of charges within the boundaries of the State of Montana, for the carriage of passengers and freight, fixed by order of the Board of Railroad Commissioners of the State of Montana, duly made and entered on the 25th day of July, 1907, for the Oregon Short Line Railroad, and effective on the 22nd day of August, 1907, and I do hereby further certify that the order attached thereto is a true and correct copy of the order of said Board, fixing and establishing such tariffs.

In Witness Whereof, I have hereunto set my hand and caused the seal of the Board to be affixed hereto, this 31st day of July, 1907.

(Signed)

H. K. HOWRY,
Secretary.

(Seal.)

NOTICE.

To Whom It May Concern:

Notice is hereby given by the Board of Railroad Commissioners of the State of Montana, that upon the 25th day of July, 1907, by order of said Commission, duly and regularly made and entered fixing the classifications and the tariff rates for the carriage of freight and passengers within the State of Montana on the Oregon Short Line Railroad, which said tariff rates will pursuant to said order be effective on the 15th day of August, 1907. Any person desiring to advise himself of such classification and rates may call at the office of the Secretary of this Board at the State Capitol, at Helena, Montana, and will be given full opportunity there to examine the tariff sheets

by said Board adopted and likewise, the said tariff rates by said Board adopted will be found and may be examined at the freight and passenger depot and ticket offices of said railroad company.

Dated this 31st day of July, 1907.

BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

By B. T. STANTON,
Chairman.

NATHAN GODFREY,
Commissioner.

E. A. MORLEY,
Commissioner.

Attest:

H. K. HOWRY,
Secretary.

THE FOLLOWING FREIGHT AND PASSENGER RATES PROMULGATED
BY ORDER NO. 1 FOR THE YELLOWSTONE PARK
RAILROAD COMPANY.

FREIGHT TARIFFS.

Mont. R. C. No. 1	Y. P. R. R. Co. Local Freight Tariff No. 2, naming rates on classes and commodities between all stations. Supplement No. 1 in effect.
Mont. R. C. No. 2	Western Classification No. 42, and amendments 9, 10, 11, 12.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

IN RE PASSENGER AND FREIGHT TARIFFS OF THE YELLOWSTONE
PARK RAILROAD COMPANY.

(CERTIFICATE.)

State of Montana, County of Lewis and Clark, ss.:

I, H. K. Howry, the duly appointed, qualified and acting Secretary of the Board of Railroad Commissioners of the State of Montana, do hereby certify that the tariffs designated and enumerated in freight schedules, Mont. R. C. Nos. 1 and 2, on the sheets hereto attached, are true, correct and

complete copies of the classifications and rates of charges within the boundaries of the State of Montana, for the carriage of passengers and freight, fixed by order of the Board of Railroad Commissioners of the State of Montana, duly made and entered on the 25th day of July, 1907, for the Yellowstone Park R. R. and effective on the 22nd day of August, 1907, and I do hereby further certify that the order attached thereto, is a true and correct copy of the order of said Board, fixing and establishing such tariffs.

In Witness Whereof, I have hereunto set my hand and caused the seal of said Board to be affixed hereto, this 31st day of July, 1907.

H. K. HOWRY,
Secretary.

(Seal.)

NOTICE.

To Whom It May Concern:

Notice is hereby given by the Board of Railroad Commissioners of the State of Montana, that upon the 25th day of July, 1907, by order of said Commission, duly and regularly made and entered fixing the classifications and the tariff rates for the carriage of freight and passengers within the State of Montana, on the Yellowstone Park Railroad, which said tariff rates will pursuant to said order be effective on the 15th day of August, 1907. Any person desiring to advise himself of such classification and rates may call at the office of the Secretary of this Board at the State Capitol, at Helena, Montana, and will be given full opportunity there to examine the tariff sheets by said Board adopted and likewise, the said tariff rates by said Board adopted will be found and may be examined at the freight and passenger depot and ticket offices of said railroad company.

Dated this 31st day of July, 1907.

BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

By B. T. STANTON,
Chairman.

NATHAN GODFREY,
Commissioner.

E. A. MORLEY,
Commissioner.

Attest:

H. K. HOWRY,
Secretary.

THE FOLLOWING FREIGHT AND PASSENGER RATES PROMULGATED
BY ORDER NO. 1 FOR THE BUTTE, ANACONDA &
PACIFIC RAILWAY CO.

FREIGHT TARIFFS.

Mont. R. C. No.	Amendments in Effect	Description of Tariff.
1	1, 2, 3, 4, 5, 7, 8, 9, 10	Local tariff No. 5; switching rates at all stations on B., A. & P.
2	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12	Local tariff No. 5; class and commodity rates between all stations.
3		1 Ore from Butte Hill to Butte or Anaconda, to be milled in transit at West Butte, Local Tariff No. 6.
4	9, 10, 11, 12	Western Classification No. 42.
5	.....	B., A. & P. No. 385, exhibits for State Fairs, etc.
6	.....	Special Class and Commodity Tariff between Anaconda and Browns.

BUTTE, ANACONDA & PACIFIC RAILWAY CO.

PASSENGER TARIFFS.

Mont. R. C. No.	Railroad Number and Description of Tariff.
1	Local Tariff No. 4, rates between all stations, also baggage charges, rules and regulations.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

IN RE PASSENGER AND FREIGHT TARIFFS OF THE BUTTE, ANACONDA
& PACIFIC RAILWAY COMPANY.

(CERTIFICATE.)

State of Montana, County of Lewis and Clark, ss.:

I, H. K. Howry, the duly appointed, qualified and acting Secretary of the Board of Railroad Commissioners of the State of Montana, do hereby certify that the tariffs designated and enumerated in freight schedules, Mont. R. C. Nos. 1, 2, 3, 4, 5, and 6; passenger tariffs Mont. R. C. No. 1, on

the sheets hereto attached, are true, correct and complete copies of the classifications and rates of charges within the boundaries of the State of Montana, for the carriage of passengers and freight, fixed by order of the Board of Railroad Commissioners of the State of Montana, duly made and entered on the 25th of July, 1907, for the Butte, Anaconda & Pacific Railway, and effective on the 22nd day of August, 1907, and I do hereby further certify that the order attached thereto, is a true and correct copy of the order of said Board, fixing and establishing such tariffs.

In Witness Whereof, I have hereunto set my hand and caused the seal of said Board to be affixed hereto, this 31st day of July, 1907.

H. K. HOWRY,
Secretary.

(Seal.)

NOTICE.

To Whom It May Concern:

Notice is hereby given by the Board of Railroad Commissioners of the State of Montana, that upon the 25th day of July, 1907, by order of said Commission, duly and regularly made and entered fixing the classifications and the tariff rates for the carriage of freight and passengers within the State of Montana on the Montana Railroad; the Yellowstone Park Railroad; the Oregon Short Line Railroad; the Butte, Anaconda & Pacific Railway; and by the Pullman Company, which said tariff rates will pursuant to said order, be effective respectively on the 20th, 22nd, 22nd, 22nd, and 24th, days of August, 1907. Any person desiring to advise himself of such classification and rates may call at the office of the Secretary of this Board at the State Capitol, at Helena, Montana, and will be given full opportunity there to examine the tariff sheets by said Board adopted and likewise, the said tariff rates by said Board adopted will be found and may be examined at the freight and passenger depot and ticket offices of said railroad company

Dated this 2nd day of August, 1907.

BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

By B. T. STANTON,
Chairman.

NATHAN GODFREY,
Commissioner.

Attest:
H. K. HOWRY,
Secretary.

E. A. MORLEY,
Commissioner.

THE FOLLOWING FREIGHT AND PASSENGER RATES PROMULGATED
BY ORDER NO. 1 FOR THE MONTANA RAILROAD COMPANY.

FREIGHT TARIFFS.

Mont. R. C. No.	Railroad Number and Description of Tariff.
1	Milk and cream from various points to Lewistown. Montana R. R. No. 192.
2	Montana R. R. No. 199, coal from Lewistown, etc., to various points.
3	Montana R. R. No. 194, switching charges on wool from Shearing Plant Spur to Harlowton.
4	Local Distance Tariff on Classes: Montana R. R. 142.
5	Montana Railroad No. 311, sugar from Lombard to various points, amendment No. 1 in effect.
6	Montana R. R. No. 327, instructions regarding changing consignee or destination of shipments.
7	Montana R. R. No. 293, handling of Pool cars.
8	Montana R. R. No. 291, flour and mill stuffs from Lewistown to various points.
9	Montana R. R. No. 290, flour L. C. L. from Lewistown to Dorsey and Lombard.
10	Rules and charges for transportation of live stock in palace or special stock cars, Montana R. R. No. 283.
12	Montana R. R. No. 243, wool from various points to Lewistown.
13	Montana R. R. No. 241, rules for loading cars to full capacity.
14	Montana R. R. No. 332, and Supplement No. 1; rules for transportation of attendants in charge of live stock.
15	Montana R. R. No. 221, milk and cream from various points to Moore.
16	Montana R. R. No. 198, oil barrels, empty, returned, between all stations.
17	Montana R. R. No. 197, transit tariff on grain cleaned in transit at Moore.
18	Montana R. R. No. 196, lumber between various points.
19	Montana R. R. No. 178, demurrage rules.
20	Montana R. R. No. 141, fence posts between all stations.
21	Montana R. R. No. 140, rates on supplies for employes and section houses.
22	Montana R. R. No. 123, lumber from Lombard to various points.
23	Montana R. R. No. 162, distance tariff on live stock.
24	Montana R. R. No. 265, rates on live stock of increased valuation.
25	Western Classification No. 42, amendments 9, 10, 11, 12.
26	Rates on live stock not released as provided in stock contracts.

MONTANA RAILROAD COMPANY.

PASSENGER TARIFFS.

Mont. R. C. No.	Railroad Number and Description of Tariff.
1	Passenger Circular No. 89; Interchangeable 3,000 mile tickets.
2	Local passenger tariff No. 3, and Amendment No. 1; passenger and excess baggage rates between all points.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.IN RE PASSENGER AND FREIGHT TARIFFS OF THE MONTANA RAIL-
ROAD COMPANY.

(CERTIFICATE.)

State of Montana, County of Lewis and Clark, ss.:

I, H. K. Howry, the duly appointed, qualified and acting Secretary of the Board of Railroad Commissioners of the State of Montana, do hereby certify that the tariffs designated and enumerated in freight schedules, Mont. R. C. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26; passenger tariffs Mont. R. C. Nos. 1, and 2, on the sheets hereto attached, are true, correct and complete copies of the classifications and rates of charges within the boundaies of the State of Montana, for the carriage of passengers and freight, fixed by order of the Board of Railroad Commissioners of the State of Montana, duly made and entered on the 25th day of July, 1907, for the Montana Railroad, and effective on the 20th day of August, 1907, and I do hereby certify that the order attached thereto is a true and correct copy of the order of said Board, fixing and establishing such tariffs.

In Witness Whereof, I have hereunto set my hand and caused the seal of the Board to be affixed hereto, this 31st day of July, 1907.

(Signed)

H. K. HOWRY,
Secretary.

(Seal.)

NOTICE.

To Whom It May Concern:

Notice is hereby given by the Board of Railroad Commissioners of the State of Montana, that upon the 25th day of July, 1907, by order of said Commission, duly and regularly made and entered, fixing the classifications and the tariff rates for the carriage of freight and passengers within the State of Montana on the Montana Railroad, the Butte, Anaconda and Pacific Railroad; the Yellowstone Park Railroad; the Oregon Short Line Railroad and by the Pullman Company, which said tariff rates will, pursuant to said order, be effective respectively on the 20th, 22nd, 22nd, 22nd, and 24th of August, 1907. Any person desiring to advise himself of such classifications and rates may call at the office of the Secretary of this Board at the State Capitol, at Helena, Montana, and will be given full opportunity to examine the tariff sheets by said Board adopted, and likewise the said tariff rates

by said Board adopted, will be found and may be examined at the freight and passenger depot and ticket offices of said railroad company.

Dated this second day of August, 1907.

BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

By B. T. STANTON,
Chairman.

NATHAN GODFREY,
Commissioner.

E. A. MORLEY,
Commissioner.

Attest:

H. K. HOWRY,
Secretary.

THE FOLLOWING FREIGHT AND PASSENGER RATES PROMULGATED
BY ORDER NO. 1 FOR THE CHICAGO, BURLINGTON & QUINCY
RAILWAY COMPANY.

FREIGHT TARIFFS.

Mont. R. Co. No.	Railroad Number and Description of Tariff.
1	1380-B, Special circular on storage of wool.
2	2020, Instructions to Agents Billings and Cody authorizing charge for baling wool.
3	1645, Rules for handling game and hide shipments.
4	1838-A, Rates on merchandise from Billings to stations on C., B. & Q. Ry. in Montana.
5	1088-A, Sugar beets from Montana points to Billings.
6	3071, Beer, L. C. L. from Billings to various points.
7	11603 Cor., Wool, Montana points to Billings.
8	3308, Hay from Crow Agency to Billings.
9	Hay from Billings, etc., to Montana points C., B. & Q. 21134.
10	3062, Flour L. C. L. from Crow Agency to Pryor and Coburn.
11	3068, Flour C. L. from Billings, when originating on N. P. to various Montana points.
12	5892, Distance tariff between Montana stations, and Amendment No. 1.
13	1412-A, Car service and storage rates, rules and instructions.
14	3008, Switching and transfer charges.
15	20000, Supplement 6, List of freight stations.
16	18835, Hay from Billings to various C., B. & Q. Montana points.
17	16650, Empty oil barrels from Montana stations to Billings.
18	6493, Brick from Billings to Pryor, Montana
19	22-B, Absorption of switching charges.
21	1450-A, Instructions to agents regarding quarantine rules and regulations.
22	2425, Instructions to agents regarding Montana quarantine rules and regulations.
23	B. & M. 234, Weighing shipments of live stock.
24	540-A, Western Classification No. 42, amendments 9, 10, 11, 12.
20	20918, Amendments 6, 9, 11 and 12, quarantine rules and regulations.
25	C., B. & Q. No. 68, Rates on milk and cream between all stations.

CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY.

PASSENGER TARIFFS.

Mont. R. C. No.	Railroad Number and Description of Tariff.
1	Supplement 7 to B. & M. R. Tariff 512, rates between Montana stations.
2	Rules and regulations for handling baggage.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.IN RE, PASSENGER AND FREIGHT TARIFFS OF THE CHICAGO, BUR-
LINGTON & QUINCY RAILWAY COMPANY.

(CERTIFICATE.)

State of Montana, County of Lewis and Clark, ss.:

I, H. K. Howry, the duly appointed, qualified and acting Secretary of the Board of Railroad Commissioners of the State of Montana, do hereby certify that the tariffs designated and enumerated in freight schedules, Mont. R. C. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25; passenger triffs Mont. R. C. Nos. 1 and 2 on the sheets hereto attached, are true, correct and complete copies of the classifications and rates of charges within the boundaries of the State of Montana, for the carriage of passengers and freight, fixed by order of the Board of Railroad Commissioners of the State of Montana, duly made and entered on the 25th day of July, 1907, for the Chicago, Burlington & Quincy Railroad Co., and effective on the 31st day of August, 1907, and I do hereby further certify that the order attached thereto, is a true and correct copy of the order of said Board, fixing and establishing such tariffs.

In Witness Whereof, I have hereunto set my hand and caused the seal of said Board to be affixed hereto, this 25th day of July, 1907.

(Signed)

H. K. HOWRY,

Secretary.

(Seal.)

NOTICE.

To Whom It May Concern:

Notice is hereby given by the Board of Railroad Commissioners of the State of Montana, that upon the 25th day of July, 1907, by order of said Commission, duly and regularly made and entered fixing the classifications and the tariff rates for the carriage of freight and passengers within the State of Montana on the Northern Pacific Railway and the Chicago, Burlington and Quincy Railway, which said tariff rates will pursuant to said order be effective on the 31st day of August, 1907. Any person desiring to advise himself of such classification and rates may call at the office of the Secretary of this Board at the State Capitol, at Helena, Montana, and will be given full opportunity there to examine the tariff sheets by said Board adopted and likewise, the said tariff rates by said Board adopted, will be found and may be examined at the freight and passenger depot and ticket offices of said railroad company.

Dated this 10th day of August, 1907.

BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

B. T. STANTON,
Chairman.

NATHAN GODFREY,
Commissioner.

E. A. MORLEY,
Commissioner.

Attest:

H. K. HOWRY,
Secretary.

THE FOLLOWING FREIGHT AND PASSENGER RATES PROMULGATED
BY ORDER NO. 1 FOR THE NORTHERN PACIFIC
RAILWAY COMPANY.

FREIGHT TARIFFS.

Mont. R. C. No.	R. R. No.	Amendments in Effect	Commodity	Description of Tariff.
2	.....	9, 10, 11, 12	.....	Western Classification No. 42.
3	S. R. 662	1, 2, 12, 14, 17, 18	Lumber, etc.	From Pacific coast and Montana points to Montana, etc.
4	Circ. 357	.....	.....	Refrigerator service on perishable freight.
5	4987	.....	Grain	From various Montana points to Missoula and Bonner, Montana.
6	5004	.....	Lime	From Red Lodge and Bridger to various Montana stations.
7	5150	.....	Wheat	From various Montana points to Hamilton.
9	8151	.....	Livestock	Joint instructions with B., A. & P. Ry. covering loading of stock cars.
10	12010	.....	Lumber, etc.	From Bonner, Lothrop and Hamilton to various points on C., B. & Q. Ry.
12	14132	.....	Livestock	Rates on local and joint business with B., A. & P. and Montana R. R. when not released as provided in stock contracts.
17	14156	1	Livestock	Local Distance Tariff, also joint with B., A. & P. and Montana R. R. on Livestock between Montana stations.
21	15213	.....	.....	Icing charges on west bound traffic.
22	16738	.....	Green lumber	From Grass Valley to Missoula.
23	16742	1	Sash, doors and blinds	.....
24	* 17023	.....	Supplies	From Missoula to various points.
26	17502	5, 9, 10, 11, 12, 13	Ore and Concentrates	Between all stations when supplies are for use of Western Union Tel. Co. under certain conditions.
27	17710	.....	.....	Joint Tariff with B., A. & P. Ry. between various points, also applies locally on Northern Pacific Ry.
28	17927	34, 36, 37	Commodities	West bound icing charges on traffic to points East of Billings.
29	18242	1, 2, 3	.....	Locally between points on Northern Pacific, also jointly with B., A. & P. Ry.
30	18749	.....	Wheat	Switching charges at Butte.
31	18902	.....	Livestock	From various points to Billings, Big Timber, Bozeman, etc.
32	19039	.....	Apples	Joint tariff with B., A. & P. and Montana R. R. on Livestock when valuation is increased.
33	19201	.....	Lumber, etc.	Joint tariff with Montana R. R. from Hamilton, Victor, etc., to Harlowton and Lewistown.
34	19846	.....	Paper, etc.	From Missoula to stations on C., B. & Q.
35	19983	1	Sand, etc.	From Manhattan to various Mont. points.
36	20300	.....	.....	Joint distance tariff with B., A. & P. Ry., also locally between N. P. Mont. stations.
38	Circ. 374	.....	Meat, L. C. L.	Loading cars to full capacity.
39	21637	3	Ore, etc.	Conditions under which accepted for transportation.
40	21942	.....	.....	From points in Montana and Idaho to P. P. Junction.
41	21944	.....	Livestock	Icing charges on E. bound perishable freight
42	21947	.....	Livestock	Transportation of in Palace cars.
44	23743	.....	.....	Charges for disinfecting cars and pens.
45	21997	.....	.....	Circular authorizing equalization of space capacity of cars.
47	22250	1	.....	Demurrage and car service charges at Butte, etc.
				Joint rules and regulations with B., A. & P. and Montana R. R. for weighing car-load freight.

FREIGHT TARIFFS NORTHERN PACIFIC RAILWAY Co.—Continued.

Mont. R. C. No.	R. R. No.	Amend-ments in Effect	Commodity	Description of Tariff.
48	22251	.....	Poultry	Rules for transportation of, in Palace cars.
49	22490	.....	Classes	Local and joint distance tariff with B., A. P. Ry.
50	22506	2	Classes	Distance tariff locally on N. P. in Montana, also joint with B., A. & P. and Montana R. R.
51	22803	3, 4	Coal	From Bridger, Red Lodge, etc., to stations on N. P., also to stations on Y. P. Ry. B., A. & P. Ry. and Montana R. R.
52	22804	3	Coal	From Hoffman to stations on N. P., B., A. & P. Ry., Montana R. R. and Y. P. Ry.
53	22805	.....	Perishable Freight	Transportation of men in charge of.
54	22891	1	.....	Rates on all freight to stations on Bitter Root branch.
55	22892	.....	Ore, etc.	Joint tariff with Montana R. R. from Leadboro, Jct. Lennep and Lewistown to Butte and Prickly Pear Junction.
56	22956	.....	Explosives	Rules and regulations for transportation of.
58	22978	.....	.....	Rules for changing name of consignee or destination of freight in transit.
59	23020	.....	.....	Charges for feed loaded in cars with Live-stock.
62	23075	.....	Sheep	Rules and regulations for grazing in transit
63	23097	5	Classes and Commodities	Joint tariff between stations on N. P. and stations on Montana R. R., also locally between stations on Montana R. R.
64	23110	1	Livestock	Transportation for attendants in charge of.
65	23142	.....	.....	Mileage allowances on cars of private lines
67	23158	.....	.....	Demurrage and car service rules at stations in Montana.
70	23275	.....	Lumber, etc.	Joint lumber tariff from Montana stations to stations on Montana R. R.
72	23300	.....	.....	Official table of distances.
75	23311	.....	Wood	Distance tariff between Montana stations.
77	23327	.....	Livestock	Cost of feed for livestock stopped in transit
79	23360	.....	.....	Transportation of work train, boarding car and section house supplies.
81	23362	2	.....	Switching rates at various points on N. P. in Montana.
82	23368	2	Livestock	Rates on lots of ten cars or more locally on N. P., also jointly with B., A. & P. Ry.
84	23384	1	.....	Switching rates at Helena.
85	23605	.....	.....	Switching rates between various points.
87	23401	.....	Classes and Commodities	Between N. P. stations and stations on the Y. P. Ry.
88	.....	.....	Lumber, etc.	Rates from Missoula, St. Regis, etc., to all Montana stations.
92	23660	.....	Classes	From Prickly Pear Junction to McClellan Spur.
93	22962	.....	Lumber	From Missoula to various points on N. P.
94	23717	.....	.....	Storage charges on L. C. L. freight.
95	20133	.....	Exhibits	Rates on, to expositions, etc.
96	23821	.....	.....	Absorption of switching charges on competitive business.
97	Circ. 380	.....	.....	Quarantine rules on sheep between Montana points.
98	23862	.....	Ry. Equip.	Cato to Lombard.
99	23920	.....	Coke	Butte to P. P. Junction.

*Existing contract between N. P. Ry Co. and Western Union Tel. Co. to be filed with Montana Railroad Commission.

NORTHERN PACIFIC RAILWAY COMPANY.
PASSENGER TARIFFS.

Mont. R. C. No.	Railroad Number and Description of Tariff.
1	Local Passenger Tariff No. 5, and Supplement No. 12, naming local rates between stations on Yellowstone, Montana Divisions, etc.
2	Local Passenger Tariff No. 6 and Supplement No. 12, naming local rates between stations on Rocky Mountain Division, etc.
3	Circular No. 83 of 1902 establishing rates to points on the B., A. & P. Ry via Durant.
4	Circular 139 of 1903; basis for rates to points on Virginia City and Sappington Stage Line.
5	Circular No. 149 of 1903; basis for rates to stations on C. N. Buford Stage Line.
6	Circular No. 584 of 1903; basis for rates to stations on Montana Railroad.
8	Local Passenger Tariff No. 8, and Supplement No. 8, rates between stations Trout Creek to Ellensburg, main line and branches.
9	Excess baggage tariff No. 2, rules, regulations and charges for handling excess baggage.
10	Local Passenger Tariff No. 17, naming rates in Montana at stations Heron to Trout Creek; also applies on traffic between Washington and Montana stations.
11	Observation and Parlor Car Tariff No. 2; naming charges for accommodations on same.
13	Montana Rate Sheet No. 38, Supplements 2 and 3; naming rates from Butte, Helena, Garrison and Billings to Anaconda and Silver Bow; also applies on interstate traffic.
19	Circular No. 190 of 1907; providing for stage and boat service and rates between Ravalli and Kalispell.
24	Tariff No. "C"-3; joint interchangeable 3,000 mile tickets.
28	Local Passenger Tariff No. 4; naming rates between stations Fargo to Glendive, main line and branches.
27	Instructions to ticket agents, conductors and baggagemen; includes Supplements 1 to 43 inclusive.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

IN RE PASSENGER AND FREIGHT TARIFFS OF THE NORTHERN
PACIFIC RAILWAY COMPANY.

(CERTIFICATE.)

State of Montana, County of Lewis and Clark, ss.:

I, H. K. Howry, the duly appointed, qualified and acting Secretary of the Board of Railroad Commissioners of the State of Montana do hereby certify that the tariffs designated and enumerated in freight schedules, Mont. R. C. Nos. 2, 3, 4, 5, 6, 7, 9, 10, 12, 17, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 62, 63, 64, 65, 67, 70, 72, 75, 77, 79, 81, 82, 84, 85, 87, 88, 92, 93, 94, 95, 96, 97, 98, and 99; passenger tariffs Mont. R. C. Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10,

11, 13, 19, 24, 28, and 27, on the sheets hereto attached, are true, correct and complete copies of the classifications and rates of charges within the boundaries of the State of Montana, for the carriage of passengers and freight fixed by order of the Board of Railroad Commissioners of the State of Montana, duly made and entered on the 25th day of July, 1907, for the Northern Pacific Railway, and effective on the 31st day of August, 1907, and I do hereby further certify that the order attached hereto is a true and correct copy of the order of said Board, fixing and establishing such tariffs.

In Witness Whereof, I have hereunto set my hand and caused the seal of the Board to be affixed hereto, this 25th day of July, 1907.

(Signed)

H. K. HOWRY,
Secretary.

(Seal.)

NOTICE.

To Whom It May Concern:

Notice is hereby given by the Board of Railroad Commissioners of the State of Montana, that upon the 25th day of July, 1907, by order of said Commission, duly and regularly made and entered fixing the classifications and the tariff rates for the carriage of freight and passengers within the State of Montana on the Northern Pacific Railway and Chicago, Burlington and Quincy Railway, which said tariff rates will pursuant to said order be effective on the 31st day of August, 1907. Any person desiring to advise himself of such classification and rates may call at the office of the Secretary of this Board at the State Capitol, at Helena, Montana, and will be given full opportunity there to examine the tariff sheets by said Board adopted and likewise, the said tariff rates by said Board adopted will be found and may be examined at the freight and passenger depot and ticket offices of said railroad company.

Dated this 10th day of August, 1907.

BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

B. T. STANTON,
Chairman.

NATHAN GODFREY,
Commissioner.

E. A. MORLEY,
Commissioner.

Attest:

H. K. HOWRY,
Secretary.

*ORDER NO. 2.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

IN RE FAILURE TO REPORT DELAYED TRAINS.

Whereas, under and by virtue of the provisions of Chapter LXV, Laws of 1903, all railroad corporations operating within the State of Montana, are required upon the arrival of a delayed passenger train at the first division terminal within the confines of the state, to notify by telegraph every station on the line of the railroad within the state, the amount of time such passenger train is delayed, and upon the arrival of any such delayed passenger train at each succeeding division terminal, it is likewise made the duty of such companies to notify by telegraph every station on the line of the railroad within the state, which has not yet been reached by said train in its course, the amount of time such train is late.

And whereas, it is made the duty of every operator, agent or person in charge of the railroad's telegraph stations to post a notice in a conspicuous place in the station or waiting room, and when such telegraph station is connected by telephone with a central exchange in any city or town, to promptly notify such central telephone station, the time the train will be delayed over schedule in reaching said station;

And whereas, it has been repeatedly called to the attention of the Board of Railroad Commissioners of the State of Montana, that railroads operating within the state are disregarding and ignoring such law, or making reports and posting notices respecting delayed trains, which are of little, if any value, to the travelling public;

And whereas, for instance, trains have been reported as being one hour late and thereafter reports changed 2, 3 or more times, and the trains, in fact did not arrive at the station from which the report was received until 10 or 12 hours later than the first report given out:

And whereas, such reports are unexcusable and are of great inconvenience and annoyance to the travelling public, and a violation of the law;

And whereas, by means of telegraph, it is a very easy and simple matter to keep track of a train through its entire course from starting point to terminal, and to know the amount of time it is running behind schedule.

Now, therefore, it is hereby ordered that henceforth this law shall be respected and complied with by railroads operating within this state, otherwise the subject will be taken up with the department of the Attorney General with a request to institute prosecutions against such company or companies as shall continue to disregard and violate this law; and in order that all companies operating in this state shall have notice of the disposition of this Board, the Secretary is hereby directed to forward a copy of this order to the representatives of each and every railroad operating within the State of Montana.

In Witness Whereof, the Board of Railroad Commissioners of the State of Montana have unanimously approved and adopted this order this 9th day of October, 1907.

THE RAILROAD COMMISSION OF MONTANA.

By B. T. STANTON,
Chairman.

(Seal.)

NATHAN GODFREY,
Commissioner.

E. A. MORLEY,
Commissioner.

Attest:

H. K. HOWRY,
Secretary.

*The above order was served on the Northern Pacific Railway, Great Northern Railway, Oregon Short Line Railroad, Butte, Anaconda & Pacific Railway, Montana Railroad, Yellowstone Park Railroad and Chicago, Burlington & Quincy Railroad Companies.

*ORDER NO. 3.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

IN RE REPORTS OF WRECKS AND ACCIDENTS.

Whereas, under and by virtue of Section 16A of the Railroad Commission Law, Chapter 37, Laws of 1907, it is made the duty of the Board of Railroad Commissioners or some member thereof to investigate and make inquiry into every accident occurring in the operation of any railroad in this state, resulting in death or injury to any person of such gravity as to require the attention of a physician or surgeon, or a property destruction greater in value than \$2,000.00.

And whereas, under and by virtue of Section 17 of the same law, it is made the duty of every railroad company operating any line of railroad within the state, promptly upon the occurrence of any accident such as is above mentioned to report the same to the said Board;

And whereas, the law contemplates an investigation to be made by the Board or its members officially, to constitute a permanent record and for the benefit, protection and assistance of citizens of the State of Montana, and in order to keep the railroads under proper surveillance respecting defects in appliances, machinery, track or road bed;

And whereas, investigation of any such wreck or accident on the line of any railroad, is of little value unless the Board or some member thereof, are unable to be on the ground at the scene of the accident at as early a moment after its occurrence as possible;

And whereas, pursuant to authority of law conferred upon said Board, to make and enforce regulations, the said Board did, on the 13th day of March, 1907, duly and regularly adopt a regulation requiring telegraphic reports to be sent to the office of the said Board at Helena, Montana, within one hour after the happening of any such wreck or accident, which said regulation is as follows:

"All railroad companies operating in the State of Montana are required under the provisions of Section 17 of the Montana Railroad Commission Law, to make communication to this Department by telegram, within one hour after any wreck or accident on its lines, unless conditions are such as to prevent their so doing by causes over which they have no control."

And whereas, notwithstanding, the provisions of the law and of said regulation, railroad companies operating within the state, and particularly the Great Northern and Northern Pacific Railway Companies, have failed and neglected to furnish telegraphic reports of wrecks or accidents occurring upon the line of railroad operated by said companies within the State of Montana.

Now, Therefore, it is hereby ordered that unless the railroad companies operating in this state hereafter respect said law and regulation, an action be taken through the Department of the Attorney General to punish any such road, failing to comply with the law and regulation above referred to. This regulation is not unreasonable and should be complied with in order to enable the Board of Railroad Commissioners to promptly and efficiently perform its duty, and this order is now made and entered with directions to the Secretary to send a copy of same to the representatives of each and every railroad company operating within this state, so that they may have notice of the determination and order of this Board in the premises.

These reports must be made by telegraph and sent at once to the Board of Railroad Commissioners at Helena, Montana, in accordance with said regulation, and unless there is good and sufficient excuse for failure to send them or for delay in sending them, the Attorney General will hereafter be requested to institute prosecutions against the offending company.

In Witness Whereof, the Board of Railroad Commissioners of the State of Montana, have, on this 9th day of October, 1907, unanimously approved and made and entered this order.

THE BOARD OF RAILROAD COMMISSIONERS.

By B. T. STANTON,

Chairman.

NATHAN GODFREY,

Commissioner.

E. A. MORLEY,

Commissioner.

(Seal.)

Attest:

H. K. HOWRY,

Secretary.

*The above order was served on the Northern Pacific, Great Northern, Montana, Oregon Short Line, Chicago, Burlington & Quincy, Yellowstone Park, and the Butte, Anaconda & Pacific Railroad Companies.

ORDER NO. 4.

IN RE, DAYLIGHT PASSENGER SERVICE FOR FORT BENTON AND POINTS
ON THE LINE OF THE MONTANA CENTRAL RAILROAD BETWEEN
GREAT FALLS AND HAVRE.

Whereas, a numerously signed petition was presented to this Board by residents of the City of Fort Benton, in Choteau County, and others residing on the line of the Montana Central Railroad between the City of Great Falls, in Cascade County and Havre, in said Choteau County, praying that the subject of daylight train service on said railroad, and the necessity and desirability thereof for the accommodation and to meet the needs and demands of the travelling public, and of persons residing in the cities of Great Falls and Havre and intermediate points, be fully investigated and the subject taken up with the officers of said railroad company in an endeavor to secure such passenger service; and

Whereas, a hearing was duly and regularly ordered and held on the 26th day of September, 1907, at the said City of Fort Benton, at which examination was made of witnesses, duly and regularly called and sworn, respecting the conditions complained of; and

Whereas, the Commission, after having heard and considered the testimony offered and introduced at said hearing, made personal investigation of the subject matter and determined that something should be done by the railroad company to meet the demands of the complainants, it appearing that the passenger train service now afforded, is not adequate, and not sufficient for the convenience of the people, between the said points; and

Whereas, the subject was by this Commission thereupon taken up with the officers and representatives of said railroad company and fully considered in conference, as a result of which it has been mutually agreed that the position of the complainants is well taken and that their request and demand should be granted.

Now, therefore, pursuant to such mutual understanding and agreement with the representatives of said railroad company, and having fully considered all of the conditions, the cost of operation of an additional passenger train between said points and the number of people affected, we have decided and agreed with the representatives of said railroad company that a mixed train shall be run in daylight between said points, and accordingly it is ordered and said Montana Central Railway Company is hereby directed to run a mixed train from Great Falls to Havre, leaving Great Falls daily, Sundays excepted, at the hour of 8 o'clock A. M., said train to reach Havre on a schedule to be fixed by the said railroad company, at least in time to connect with No. 2, operated on the main line of the Great Northern Railroad Company, and to make stops at intermediate stations between Great

Falls and Havre; and likewise to run such a train, giving like service, from Havre to Great Falls daily, Sundays excepted, leaving Havre at 7 o'clock A. M. and arriving at Great Falls in time to connect with No. 237 of the Montana Central Railroad, operated between Great Falls and Butte, which in accordance with schedule, leaves Great Falls at 3:10 P. M.

This order, pursuant to mutual understanding and agreement will be in full force and effect on and after the 11th day of November, 1907, and until the further order of this Commission; and the Secretary is instructed to furnish the proper officers of said railroad company with a true and correct copy hereof.

Dated October 17, 1907.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,

Secretary.

ORDER NO. 5.

OFFICE OF MONTANA RAILROAD COMMISSION.

IN RE PASSENGER SERVICE FOR SOMERS BRANCH, GREAT NORTHERN
RAILROAD.

Whereas, it appears that the Great Northern Railway Company now owns a right-of-way, road-bed, and track laid thereon, connecting with its main line via Kalispell, extending from Somers to Kalispell, over which said road freight is daily hauled by said company, and

Whereas, it appears that the town of Somers is a thriving lumber and agricultural center with a population of approximately one thousand people, and

Whereas, it appears that said town should be furnished with passenger train service for the benefit and advantage of its residents and the numerous population adjacent thereto, and for the accommodation of the travelling public, and

Whereas, there is no good or sufficient reason, or any reason, at all, why said railroad company should not provide passenger train service over said line, and

Whereas, having fully investigated and examined the circumstances and surrounding conditions, both respecting the interests of the people and the facilities of the said company to furnish such passenger service, pursuant to authority of law,

Now, therefore, it is this day unanimously agreed by the Montana Railroad Commission that the Great Northern Railway Company should furnish a daily passenger coach to be run over said branch in connection with its freight, such train to run on schedule, and accordingly.

It is Hereby Ordered, and the said Great Northern Railway Company is hereby directed and commanded, pursuant to this order, to furnish a mixed passenger train service to be run on schedule between Kalispell and Somers, giving such service daily except Sundays; and to provide such a train, which shall leave Kalispell in the morning in time to connect with the regular morning passenger train No. 245, arriving at Kalispell from Columbia Falls at 9:15 A. M., and to provide a like return service, connecting with the regular evening passenger train No. 248, leaving Kalispell for Columbia Falls at 8:45 P. M.

This order to be effective from and after the 20th day of November, 1907, and the Secretary is hereby directed to furnish and serve upon the proper officials and representatives of said railroad company, a true and correct copy of this order.

Dated October 31st, 1907.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,

Secretary.

ORDER NO. 6.

THE STATE OF MONTANA, DEPARTMENT OF MONTANA RAILROAD
COMMISSION.

IN THE MATTER OF THE CHANGE OF TRAIN SERVICE OF THE NORTHERN PACIFIC RAILWAY COMPANY BY DISCONTINUING THE OPERATION OF PASSENGER TRAINS NUMBERED 7 AND 8 OPERATING BETWEEN HELENA, MONTANA, AND LIVINGSTON, MONTANA, PASSENGER TRAIN NUMBERED 17 AND 18 OPERATING BETWEEN BUTTE, MONTANA, AND LOGAN, MONTANA, AND PASSENGER TRAINS NUMBERED 7 AND 8 OPERATING BETWEEN MISSOULA, MONTANA, AND WESTERN POINTS WITHIN THE STATE OF MONTANA.

The above entitled matter coming on duly and regularly to be heard before the Montana Railroad Commission, at its office in the Capitol Building in the City of Helena, Montana, on the 9th day of November, 1907, there being present Nathan Godfrey, acting Chairman, B. T. Stanton and E. A. Morley, all the members of the Commission, and the Northern Pacific Railway Company being then and there represented by Messrs. Wallace and Donnelly, attorneys at law; and Mr. E. C. Day, attorney at law, appearing on behalf of the people of Helena and vicinity, and Mr. A. H. Burleigh, attorney at law, appearing on behalf of the people of Sanders County and vicinity, and Mr. John G. Brown, Assistant Attorney General of the State of Montana, appearing for the State, testimony was introduced on the part of the railroad company, and of the people objecting to the change of the railroad service as proposed, and the testimony being concluded and the Commission being fully advised in the premises from the evidence as introduced and the arguments of respective counsel, finds:

That the discontinuance of the passenger trains operated by the Northern Pacific Railway Company in this state numbered 7 and 8 operating between Helena and Livingston, and passenger trains numbered 17 and 18 operating between Butte and Logan, and passenger trains numbered 7 and 8 operating between Missoula and Western points within this state, will work a hardship upon the travelling public and the people in the towns and localities through which these trains operate, but that the continuance of the operation of the said trains referred to by the said company, will work a hardship on it, and upon a greater number of the people, in causing congestion of freight to occur, and consequent great hardship upon the people of Montana because of the liability and failure of the railroad to handle and deliver

freight, and further that the Northern Pacific Railway Company is now operating 8 passenger trains daily (4 westbound and 4 eastbound) over that portion of their line in Montana running via Butte, and two overland trains, and six local trains daily between Helena and points east and west of Helena; that because of the present conditions it cannot operate all these trains, and in addition thereto, maintain such freight service in Montana as will insure the reasonably prompt transportation of coal, food products, and other commodities necessary to each community, and that there is now a congestion of these commodities at division points in Montana, which the withdrawal or discontinuance temporarily, of a portion of these passenger trains, will remedy and enable the railway company to move over the Montana Division, a daily average of 3,000 gross tons more freight than it is now able to handle, and that the approaching winter season will render it still more difficult to move said freight and passenger trains; further, that said company is now engaged in construction work between Livingston and Bozeman, to enable it to improve its freight and passenger service, which work further hinders the movement of trains on its line at present, and that such work will likely be concluded within ninety days, and further, that the said railroad company is transporting upon the divisions of its line effected by the said passenger trains numbered 7 and 8 and 17 and 18, large quantities of construction material for the Chicago, Milwaukee & St. Paul Railway Company, the early completion of which railroad is of great importance to all the people of Montana.

Now the Commission being fully advised and having considered all the evidence introduced with respect to the subject matter, is of unanimous opinion that the discontinuance of said trains, while working a temporary inconvenience on a portion of the traveling public, will, however, best conserve the interests of all the people;

It is Now Therefore Hereby Ordered by this Commission that the Northern Pacific Railway Company be allowed to discontinue the operation of the following passenger trains operated in Montana, trains numbered 7 and 8 operating between Helena and Livingston, trains numbered 17 and 18 operating between Butte and Logan, and trains numbered 7 and 8 operating between Missoula and western points within this state, for a period of ninety days from and after the 9th day of November, A. D. 1907.

It is Further Ordered that during the period said trains are discontinued that the schedules of passenger trains numbered 1, 2, 3, 4, 5 and 6, be so changed as to give to each station on the route traversed by the said trains the same number of stops each twenty-four hours at said stations as have been made by all of the trains before the withdrawal of trains numbered 7 and 8, 17 and 18, and 7 and 8, being the trains referred to in this order.

It is Further Ordered that the Secretary of this Commission serve upon the proper officials and representatives of the Northern Pacific Railway Company a true and correct copy of this order.

Done in open session at Helena, Montana, on this 11th day of November, 1907.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,
Secretary.

ORDER NO. 7.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices at Helena, Montana, on the 14th day of November, 1907, the subject of Passenger Train service between Kalispell and Somers, Montana, was taken up and considered by the said Board, and the following order was duly and regularly made and entered, to-wit:

IN RE PASSENGER SERVICE FOR SOMERS BRANCH, GREAT NORTHERN RAILROAD.

SUPPLEMENTAL ORDER.

Whereas, on the 31st day of October, 1907, an order was duly and regularly made and entered requiring the Great Northern Railway Company to furnish mixed passenger train service to be run on schedule between Kalispell and Somers on what is known as the Somers Branch, giving such service daily, except Sundays; and,

Whereas, it has since been made to appear by representatives of the said railway company that such mixed train service would not be entirely satisfactory to the traveling public, and that to furnish same, would necessitate an additional train crew, and delay in the handling of freight; and

Whereas, the said company through its representatives has offered to furnish separate passenger service between Kalispell and Somers, three times each week instead of such mixed service

Now, Therefore, the Board of Railroad Commissioners of the State of Montana being fully advised respecting the subject matter, have unanimously adopted this supplemental order with respect to the passenger service for the Somers Branch, hereby revoking that portion of the original order requiring such mixed passenger service, and now hereby order and command the said Great Northern Railway Company to furnish passenger service over said Somers Branch three times each week, viz: on Mondays, Wednesdays and Saturdays, and on said days to provide a passenger train service from Kalispell to Somers, and from Somers to Kalispell, fixing the schedule of such

trains going from Kalispell to Somers and returning to Kalispell between the hours of 9:00 A. M. and 5:00 P. M. on said days.

This order to be effective from and after the 20th day of November, 1907, and the secretary is hereby directed to serve upon the proper officials of said railway company, a true and correct copy of this supplemental order.

(Seal.)

Attest: true copy:

H. K. HOWRY,

Secretary.

ORDER NO. 8.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices at Helena, Montana, on the 14th day of November, 1907 the subject of a Wagon Road approach to the Great Northern Railroad track, at Columbia Falls, Montana, was taken up and considered by the said Board, and the following order was duly and regularly made and entered, to-wit:

IN RE COLUMBIA FALLS WAGON ROAD APPROACH TO THE GREAT NORTHERN RAILROAD TRACK.

Whereas, Complaint was duly and regularly made, filed and presented to the Board of Railroad Commissioners of the State of Montana, numerously signed by residents of Columbia Falls and vicinity, in Flathead County, asking that the Great Northern Railway Company be required to furnish better accommodations for the loading and unloading of freight at the depot at Columbia Falls; and,

Whereas, Thereafter the Commission collectively made personal examination and investigation into such complaint and heard evidence with respect thereto at the said City of Columbia Falls on the 26th day of September, 1907; and,

Whereas, as a result of such investigation and hearing it has been found and determined that the wagon road approach to the freight sidings at Columbia Falls is not suitable, nor in safe or proper condition for the accommodation of the public, and that the same should be changed and improved in order to facilitate the loading, unloading and handling of freight;

Now, Therefore, it is hereby ordered and directed, and said Great Northern Railway Company is hereby commanded and required to repair and improve said wagon road within thirty (30) days after the receipt of a true and correct copy of this order, as follows, to-wit:

The road must be graded to a width of not less than ten feet, and raised twelve inches in height. The wagon road heretofore referred to, is known as the house track roadway, and is not hereinabove more specifically described for the reason that there can be no mistake as to the road referred to; it being the only road used for the purpose of approaching the railroad track for the loading and unloading of freight.

The Secretary is hereby directed to serve upon the proper representatives of the Railway Company affected by this order, a full and complete attested copy of this order, under seal of the Commission.

(Seal.)

Attest:

H. K. HOWRY,
Secretary.

ORDER NO. 9.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices at Helena, Montana, on the 14th day of November, 1907, the subject of a passenger depot at Columbia Falls, Montana, was taken up and considered by the said Board, and the following order was duly and regularly made and entered, to-wit:

IN RE PASSENGER DEPOT AT COLUMBIA FALLS, MONTANA.

Whereas, Complaint was duly and regularly made, filed and presented to the Board of Railroad Commissioners of the State of Montana, numerously signed by residents of the cities of Columbia Falls and Kalispell and vicinity, in Flathead County, asking that the Great Northern Railway Company be required to furnish better accommodations for passengers at the depot at Columbia Falls; and

Whereas, thereafter the Commission collectively made personal examination and investigation into such complaint and heard evidence with respect thereto at the said City of Columbia Falls on the 26th day of September, 1907; and,

Whereas, as a result of such investigation and hearing, the said Board found and determined that the present passenger station facilities are inadequate to accommodate the traveling public, and that the present depot building is too small and inadequate to give passengers proper accommodation; and it appearing that said station is at a Junction point and that numerous people are there compelled to wait for trains;

Now, Therefore, It is hereby unanimously ordered by the Board of Railroad Commissioners of the State of Montana, that the said Great Northern Railway Company shall within sixty (60) days from date of service of this order, submit to it for its approval, plans and specifications of a new passenger station for the accommodation of passengers, to be erected at said points, and thereafter, when the said Board shall have approved such plans and specifications, further order and direction will be made in the premises with respect to the construction and completion thereof.

The Secretary is hereby directed to serve upon the proper representatives of the Railroad Company affected by this order, a full and complete attested copy of this order, under seal of the Commission.

(Seal.)

Attest, True copy:

H. K. HOWRY,
Secretary.

*ORDER NO. 10.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices, Helena, Montana, this 4th day of January, 1908, the subject of express rates to be charged by different companies operating within the State of Montana, was taken up and considered by the Board, and the following order was duly and regularly made, to-wit:

Whereas, the duly and regularly appointed, qualified and Acting Board of Railroad Commissioners of the State of Montana, composed of B. T. Stanton, Nathan Godfrey and E. A. Morley, have had under serious and earnest consideration and investigation, pursuant to authority of law, the subject of proper express rates to be established within the bounds of the State of Montana, for the carriage of express, by the Northern Express Company, to correct abuses, prevent unjust discrimination and extortions; and,

Whereas, there was duly and regularly published for a period of at least ten (10) days, in two daily newspapers, namely, the Montana Daily Record, published in the City of Helena, Lewis and Clark County, State of Montana, and the Butte Evening News, published in the City of Butte, Silver Bow County, State of Montana, a notice wherein it was stated that on the 23rd day of October, 1907, the said Board of Railroad Commissioners would meet at their offices in the Capitol Building, City of Helena, County of Lewis and Clark, State of Montana, at the hour of two o'clock P. M., for the purpose of adopting maximum rates to be charged by, and rules and regulations, etc., governing all express companies or railroad companies operating as express companies doing business as common carriers in

the State of Montana, for the transportation of express within the State of Montana, and also, that there would be offered to any person, firm or corporation, or common carrier, an opportunity to be heard upon such subject; and,

Whereas, in compliance with the law, and pursuant to said notice, the said Board duly and regularly met on the 23rd day of October, 1907; and,

Whereas, in this connection, on said date and thereafter, both formal and informal hearings have been had and held before said Board, at which all persons interested were given opportunity to be heard, and were fully heard; and,

Whereas, after said hearings, and independent investigations made by said Board, and the members thereof;

Now Therefore, on this 4th day of January, 1908, the said Board being as fully advised as is practicable with respect to the subject of proper and reasonable express rates to be now established, fixed and made effective for the carriage of express by the Northern Express Company, within the State of Montana, had agreed to the attached schedules of tariffs as that which shall be charged by the Company, for the carriage of express, from and after the 6th day of February, 1908, and it is accordingly hereby ordered that the said rates certified to by this Commission in the attached schedules, shall constitute the rates of charges for the carriage of express with the State of Montana, and the same shall continue in force and effect, and be the only rates charged by said express company or railroad company doing express business, until the further order or direction of this Board.

It is further ordered that a certified copy of this order, together with the attached schedules of tariffs for the carriage of express within the State of Montana, be, by the Secretary at once served upon the proper officer or representative of said express company, either personally or by registered mail, and that the said express company shall at least two days before this order becomes operative, display in a conspicuous place in each of its offices in the state, a schedule printed in plain, legible, English type, giving notice of the existence of the schedules hereby fixed and established, and further, the Secretary is hereby directed to cause notice of the adoption of said schedules to be published for two successive weeks in the Montana Daily Record, published in the City of Helena, Lewis and Clark County, State of Montana, specifying the date when such schedule shall take effect.

Dated January 4th, 1908.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,

Secretary.

*This order was served on the Adams, Northern, Great Northern and Pacific Express Companies.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.IN RE EXPRESS RATES, RULES, REGULATIONS, ETC., OF THE NORTH-
ERN EXPRESS CO.

State of Montana, County of Lewis and Clark, ss.:

I. H. K. Howry, the duly appointed, qualified and acting Secretary of the Board of Railroad Commissioners of the State of Montana, do hereby certify that the rates designated and enumerated in express schedules, Mont. R. C. Nos. 1, 2, 3, 4, 5, 6 and 7, on the sheets hereto attached, are true, correct and complete copies of the rates of charges within the boundaries of the State of Montana, for the carriage of express, fixed by order of the Board of Railroad Commissioners of the State of Montana, duly and regularly made and entered on the 4th day of January, 1908, for the Northern Express Company, and effective on the 6th day of February, 1908, and I do hereby further certify that the order attached thereto, is a true and correct copy of the order of said Board, fixed and establishing said tariffs.

In Witness Whereof, I have hereunto set my hand and caused the seal of said Board to be affixed hereto, this 9th day of January, 1908.

(Seal)

H. K. HOWRY,
Secretary.

*ORDER NO. 11.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices in the Capitol Building, City of Helena, State of Montana, this 14th day of January, 1908, the subject of demurrage charges and rules to be promulgated with reference thereto, applicable to all railroads operating within the State of Montana, was taken up and considered, and the following order was then and there duly and regularly made, to-wit:

Whereas, the duly and regularly appointed, qualified and acting Board of Railroad Commissioners of the State of Montana, composed of B. T. Stanton, Chairman, Nathan Godfrey, and E. A. Morley, have had under serious and earnest consideration, and have investigated the subject of proper demurrage charges to be made by the various railroads operating within the State of Montana pursuant to authority of law; and

Whereas, there was duly and regularly published for a period of at least ten (10) days, in two daily newspapers, viz: the Montana Daily Record, published in the City of Helena, Lewis and Clark County, Mon-

tana, and the Butte Evening News, published in the City of Butte, County of Silver Bow, State of Montana, a notice wherein it was stated that on the 14th day of November, 1907, the said Board of Railroad Commissioners of the State of Montana, would meet at its offices, Capitol Building, City of Helena, County of Lewis and Clark, State of Montana, at the hour of two o'clock P. M., for the purpose of taking testimony and hearing witnesses on the subject of demurrage, preliminary to the adoption by the Commission of demurrage charges, and rules and regulations with respect thereto, applicable to all railroad companies operating within the State of Montana; and,

Whereas, in compliance with the law and pursuant to said notice, the said Board duly and regularly met on the 14th day of November 1907; and,

Whereas, in this connection, on said last mentioned date, and thereafter, both formal and informal hearings were had and held before said Board, at which all persons interested, were given opportunity to be heard, and were heard; and,

Whereas, after said hearings and independent investigation made by said Board, and the individual members thereof;

Now, Therefore, the said Board being fully advised in the premises, on this 14th day of January, 1908;

It Is Now Hereby Ordered, that the rules and regulations hereto attached, shall be adopted and enforced with respect to the subject of demurrage and demurrage charges applicable to all railroads operating within the State of Montana, on and after February 8th, 1908.

It Is Further Ordered, that a certified copy of this order, together with the attached rules and regulations with respect to the subject of demurrage and demurrage charges, be, by the Secretary at once served upon the proper officer or representative, of all railroads operating in the State of Montana, either personally or by registered mail, and that such railroads, shall, at least, two days before this order becomes effective, display in a conspicuous place in each of its offices, in this state, a notice printed in plain, legible, English type, of the existence of the rules and regulations covering demurrage and demurrage charges, hereby fixed and established;

And Further, the Secretary is hereby directed to cause notice of the adoption of said rules and regulations to be published for two successive weeks in the Montana Daily Record, published in the City of Helena, County of Lewis and Clark, State of Montana, specifying the date when such rules and regulations shall be in force and effect.

Dated this 14th day of January, 1908.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal)

Attest:

H. K. HOWRY, *Secretary*.

*The above order was served on the Northern Pacific, Great Northern, Montana, Chicago, Milwaukee & St. Paul, Chicago, Burlington & Quincy, Oregon Short Line, Butte, Anaconda & Pacific, and the Yellowstone Park Railroad Companies.

*ORDER NO. 12.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices in the Capitol Building, City of Helena, State of Montana, this 16th day of January, 1908, the following order was duly and regularly made, to-wit:

IN RE MANNER OF TRANSMITTAL OF TARIFFS AND APPROVAL
THEREOF.

That the Board of Railroad Commissioners of the State of Montana may have a correct check on the freight and passenger rates of railroads operating within the State of Montana, it is hereby ordered that all such railroads transmit to the Commission, all new tariff or re-issues of old tariffs covering rates, rules and regulations for the carriage of freight and passengers within the State of Montana, and in doing so, that the form of transmittal hereto attached and hereby made a part hereof, be used.

Each of the forms of transmittal used by each railroad shall be numbered consecutively and made in duplicate one copy of which shall be kept by the Commission, and the other returned to the railroad company marked "approved", or "not approved", giving date. In the case of joint tariffs, one additional copy of such tariff shall be transmitted to the Commission with separate form of transmittal, so that it may be marked by the Commission in the manner above indicated, and mailed to the proper representatives of connecting lines.

The Secretary is hereby directed to serve a copy of this order, by registered mail, upon all railroads operating within the State of Montana, and this order shall be in force and effect from and after the 10th day of February, 1908.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal)

Attest:

H. K. HOWRY,

Secretary.

*The above order was served on the Northern Pacific, Great Northern, Montana, Butte, Anaconda & Pacific, Yellowstone Park, Oregon Short Line, Chicago, Burlington & Quincy, and Chicago, Milwaukee & St. Paul Railroad Companies, and the Northern, Adams, Pacific, and Great Northern Express Companies.

No. Railroad (or Railway or Express) Co. 190...

The Railroad Commission of Montana, Helena, Montana.

Gentlemen:—

We enclose herewith for approval of your Board copies of our (tariff or amendment) Number, Mont. R. C. No., applying on from to effective.....

This tariff is issued in accordance with authorization covered by your (letter or telegram) of....., your Authorization Number..... of (date). Yours truly,

.....
.....

ORDER NO. 13.

On this 16th day of March, 1908, the Board duly and regularly met for the purpose of considering the complaints made by the citizens of Kalispell and Flathead County, against the Great Northern Railway Company, and to make a proper order for the disposition thereof. Hearing with respect to the subjects of complaint was duly and regularly held pursuant to notice at Kalispell, in Flathead County, State of Montana, on the 10th and 11th days of December, 1907, and since that date the Commission has had the subject under advisement, has fully considered the testimony there taken, and has made independent research with respect to the subject matter and the proper orders to be made and entered in the premises;

And now on this date, the matter being called up for final decision by this Board, it is ordered and directed that the following formal order setting forth the findings of the Commission and their conclusion with respect to the subject of such complaint be duly and regularly made and entered, to-wit:

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

IN THE MATTER OF THE COMPLAINTS MADE BY THE CITIZENS OF
KALISPELL IN THE FLATHEAD VALLEY.

VS.

THE GREAT NORTHERN RAILWAY COMPANY.

Whereas, on the 6th day of November, 1907, many citizens of Kalispell and Flathead County, duly and regularly presented a formal complaint to this Board containing seventeen separate and distinct charges against the said Railway Company, each of which the Commission was asked to consider and remedy by appropriate order; and,

Whereas, after the filing of said complaint and consideration of the same, the Commission on the 13th day of November, 1907, duly and regu-

larly ordered a hearing at Kalispell in Flathead County, State of Montana, to be then and there had and held for the purpose of hearing testimony in support of said charges, and the explanation, if any, which the Railway Company might desire to offer to the Commission in explanation of the conditions complained of; and,

Whereas, pursuant to such notice, on the 10th day of December, 1907, the Commission duly and regularly met at the City of Kalispell, County of Flathead, State of Montana, at the District Court Room in the District Court House, and thereupon duly and regularly proceeded to the formal hearing of such complaint, witnesses having been duly and regularly sworn and testified in support of such complaint, and the Railway Company through its officers, agents and employes, having thereupon been permitted to introduce evidence either in refutation of the complaints or in explanation of existing conditions; and,

Whereas, such hearing was fully concluded on the 11th day of December, 1907; and,

Whereas, thereafter, such evidence was duly and regularly considered by the Board and independent investigation made with respect to the proper course for the Commission to take in the premises pursuant to authority of law conferred upon it; and,

Whereas, the Commission now feels fully advised with respect to the subject of the complaint, and the conditions existing, having fully considered all of the testimony offered and introduced at said hearing, and as well, made independent investigation and research;

Now, Therefore, the charges in said complaint are this day taken up, considered and disposed of in their order as follows:

1. The first charge contained in the formal complaint is that the passenger train service between Kalispell and Columbia Falls is inconvenient, insufficient and inadequate; that the cars furnished are of an inferior character and not suitable or sufficient to accommodate the travelling public; that the trains are run without regard to the convenience or comfort of the passengers and solely to suit the pleasure of the Company; that the passengers are almost daily compelled to wait at Columbia Falls for two hours, and oftentimes longer, for the train to return to Kalispell although during all the period of waiting, the train is standing at the depot, with the train crew unemployed, and that the delay at Columbia Falls is unnecessary and occasioned solely by the endeavor of the Railway Company to handle the passenger service between Kalispell and Columbia Falls by making one trip in the morning and another round trip in the evening; that further, Columbia Falls is only 15 miles from Kalispell and with a proper roadbed and equipment, the round trip could easily be made in one hour, and that it is wholly unnecessary and unjustifiable to hold and detain passengers at Columbia Falls who desire to come to Kalispell when the time of arrival at Columbia Falls of trains on the main line is more than one hour apart, and that in violation of the provisions of Section 691 of the Penal Code of the State of

Montana, the said Railway Company has been repeatedly guilty of attaching freight cars in the rear of passenger coaches on said passenger train between Kalispell and Columbia Falls, specific instance of this character being pointed out as having occurred on the 18th day of October, 1907.

It satisfactorily appearing to the Board that the Great Northern Railway Company has changed its passenger equipment and that the complainants have formally withdrawn all objection to the character of cars, furnished for passenger service, and now express satisfaction therewith, and it appearing that the delay at Columbia Falls has been of too long duration for the convenience of the travelling public, such delay being occasioned by reason of waiting for the arrival of through trains on the main line at Columbia Falls, and it appearing that such delay is unnecessary, unjustifiable and extremely inconvenient, and it further appearing that the said Company has violated Section 691 of the Penal Code with respect to the attaching of freight cars in the rear of passenger coaches;

Now, Therefore, it is hereby ordered and directed with respect to the subject of this particular complaint, that the Great Northern Railway Company, shall from and after the 15th day of April, 1908, run its passenger train between Columbia Falls and Kalispell from Columbia Falls to Kalispell within ten minutes after the arrival of main line trains at Columbia Falls, provided no other main line passenger train is reported to thereafter arrive at Columbia Falls within one hour and twenty minutes; and,

Further, that where there is delay in the arrival of such a main line passenger train at Columbia Falls for more than one hour and twenty minutes, the passenger train to Kalispell shall make the trip to Kalispell and thereafter return to Columbia Falls for the purpose of making connection with such delayed train on the main line.

Further, that hereafter, the Railway Company shall not be guilty of attaching freight cars in the rear of passenger coaches, but that when freight is to be hauled in connection with passenger coaches that such freight cars shall be placed ahead of all passenger, mail, baggage and express cars.

2. The second charge contained in the said complaint is that if the freight service between Kalispell and other points in Montana outside of the State, which is unsatisfactory and operates so as to discriminate against the business interests of Kalispell; that freight billed from and to Kalispell is unnecessarily delayed at Columbia Falls and Whitefish, and is held at the two places last named for days and in many instances for a week without any good or sufficient reason; that because of this fact, merchants located on the main line of said railroad in Flathead County, when in a hurry to receive their goods purchase them at Spokane or St. Paul, as such shipments will reach their destination in Flathead County sooner than goods shipped from Kalispell to the same point; that with proper equipment and sufficient train crews to handle the business, such delays and discriminations could be avoided and that the receipts of the Great Northern Railway from the Kalispell station are sufficient to justify that company in giving better train service.

It satisfactorily appearing to the Board that since conclusion of the formal hearing, the complainants have formally advised the Board by written communication that the freight service in and out of Kalispell has been greatly improved, and that the Railway Company has through its officers given them assurances that freight will promptly be delivered, and have agreed to in every case of delay, report the same and take the subject up with the officials of the Great Northern Railway Company, and evince a disposition not to have this Commission act further in the premises.

Now, Therefore, as to this complaint, the matter is left in statu quo, subject to further consideration at any time that conditions may seem to warrant further order or direction.

3. The third grievance contained in said formal complaint is to the effect that the station facilities and conditions at Columbia Falls are wholly insufficient to properly accommodate the several hundreds of people who are weekly passengers to and from Kalispell and that the station, waiting room, and accommodations for the travelling public are entirely inadequate and not suited for the accommodation of passengers.

It satisfactorily appearing to the Board from the evidence submitted and from conferences had with officials of the Railway Company, and depot plans having been submitted to the Board in compliance with an order issued by the Commission under date of the 14th of November, 1907, as a result of a public hearing held on this subject upon complaint of citizens of Columbia Falls and vicinity, such plans having been approved by the Board and the complainants.

Now, Therefore, it is hereby ordered and directed that the construction and completion of the depot building and other improvements shall be made in accordance with the plans and specifications submitted and approved, and that such depot shall be completed and ready for use at a date not later than the 1st day of June, 1908.

The fourth charge contained in the formal complaint is to the effect that the same privileges are not extended to all the merchants of Kalispell in the matter of unloading freight. In other words, a discrimination is made by the Railway Company between shippers.

It satisfactorily appearing to the Board from the evidence taken at the hearing that the only reason for apparent discrimination was occasioned by virtue of a rule or regulation of the Company requiring the consignee to make payment of the freight charges in advance of the delivery of the goods, or to furnish an appropriate bond guaranteeing payment of the same, and it appearing that such rule or regulation is entirely reasonable, and the complainants having in writing formally admitted to this Board the reasonableness of such a rule or regulation, on the part of the Company.

Now, Therefore, the subject of this complaint is hereby ordered dismissed.

5. The fifth ground of complaint is to the effect that the agents and employes of the Great Northern Railway Company at Kalispell have been

in the habit of breaking open boxes and packages consigned to Kalispell merchants under the claim of authority or right so to do to ascertain the contents of said packages or boxes.

It satisfactorily appearing from the evidence that this complaint is not well founded and further, that the complainants have formally in writing withdrawn the same, it is hereby ordered dismissed.

6. The sixth charge is to the effect that the train connections provided by the Railway Company between Kalispell and Helena are inadequate and inconvenient.

As to this charge the Board is of belief that the train service between Kalispell and Helena is inadequate and inconvenient to persons residing both at Kalispell and vicinity and at Helena and vicinity, and should be improved so far as existing conditions will permit, and to that end we have this day directed a conference between this Board and the officials of the Great Northern Railway passenger department for the purpose of endeavoring to arrange amicably, some remedy by change of schedule or otherwise, or if found necessary, to order such change as will insure better service between said points. Accordingly it is now ordered and directed that this subject shall be held for future consideration and disposition hereafter by such special order as the Board shall determine best suited to remedy such condition.

7. The seventh ground of complaint is that the Great Northern Railway Company owns, controls and operates a line of railway from Kalispell to Sommers in Flathead County, a distance of ten miles. That there are over one thousand people living at said town of Somers, and one thousand or more persons living in the vicinity thereof, and that in said town there are two or more stores, a livery barn, bakery, meat market, one bank, a postoffice, a drug store, and other places of business. That there is a large farming and fruit growing country tributary to said town, and that said town is the natural shipping point for the farmers and fruit growers living in the vicinity thereof, and in the lower Flathead Valley, and on the west shore of the Flathead Lake.

A daily combination freight and passenger service is demanded of the Railway Company between Kalispell and Somers to meet the needs and demands of the people, and in this connection it is also demanded that the Railway Company shall be required to provide a suitable depot for the accommodation of passengers and the reception of freight, express matter and baggage for shipment from Somers, to Kalispell at the town of Somers.

Further, it is demanded that a dock shall be built by the Railway Company, and that the Railway Company be required to establish a freight and ticket office and place an agent in charge.

In a supplementary complaint filed after the hearing, it is also demanded that the Railway Company be required to extend its line from its present terminus at the town of Somers to the dock to be erected on the borders of the Flathead Lake.

The Board having fully and carefully considered the evidence submitted with respect to this charge, and having made full and personal investigation with respect to the merits thereof is convinced of the meritorious character of same and is of unanimous opinion that something should be done to remedy the conditions complained of.

The Board entertains the view that under the conditions it does not have the power or authority to compel the Railway Company to erect or maintain a dock on the borders of the Flathead Lake, or to extend its line to said dock; however, as to the maintenance of its line of road and train service for the carriage of freight and passengers between Somers and Kalispell the Board is of the opinion that this subject is clearly within its power and authority, and that complainants are entitled to a remedial order from this Board, effective within a reasonable time.

The Board having fully considered the subject and being advised respecting same, now hereby orders and directs that on or before the 15th day of May, 1908, the said Great Northern Railway Company shall erect or secure a suitable building at some central and convenient point in the town of Somers to be used as a freight and passenger depot for the accommodation of freight and passengers, and that said Company shall place in charge thereof some suitable person to act as agent in the sale of tickets and acceptance and delivery of freight, baggage and express, and that from and after the 15th day of May, 1908, the said Railway Company shall daily operate, run and conduct, at least two mixed passenger trains each way, Sundays excepted, between Kalispell and Somers, on such schedule as will enable passengers to make morning and evening connection at Kalispell for main line trains at Columbia Falls.

Respecting the connection of the line of said road from its present terminus at Somers to a dock on the borders of the Flathead Lake, the Commission will hereafter take this subject up with representatives of the Railway Company and use its good offices in an endeavor to have the line so extended and in event of the inability of the Board to amicably secure such concession from the Railway Company, consideration will then be given by the Board as to its power and authority in the premises.

8. The eighth grievance contained in said complaint is to the effect that the Railway Company should be required to build, establish and maintain a siding about one-half way between Kalispell and Somers.

From the evidence submitted and investigation made it does not appear that such siding is a pressing necessity, and further, the complainants having formally abandoned said complaint by written statement filed with the Board, the same is hereby ordered dismissed.

9. The ninth charge contained in said formal complaint is with respect to a line of railroad owned by the company, from Kalispell to Marion, and the service and railroad facilities for the transportation of freight and passengers on this line.

No evidence having been submitted with respect to this charge, and the complainants being apparently desirous only of compelling the Railway Company to run its passenger trains through to the Coast, via Kalispell, the Board is of opinion that if it is within its province to make order in the premises, that the subject has not been placed before it so as to enable intelligent action, and therefore this complaint is ordered dismissed.

10. The tenth complaint relates to freight rates on coal consigned to Kalispell, and also charges discrimination against Kalispell and other points in Flathead County, in the present tariff on cord wood.

The matter of rates on coal from mining points on the Great Northern Railway having been the subject of comparatively recent investigation, and the Commission having put in effect a new tariff much lower than the one previously in effect, in which new tariff the rates from Chinook, Armington, Belt and other mines to Kalispell are the same as from Havre, the nearest mining point, thus giving to citizens of Flathead County competitive purchasing points, and also a lower rate than formerly in effect, the Commission therefore cannot disturb the tariff without affecting the mine operator, the retailer, and the consumer at all points on the Great Northern Railway.

The Commission recognizes the right of the complainants to petition for change of tariff on coal and wood, but it is of the opinion that any change would involve the interests of so many other communities that it should be considered at another hearing, in which the people at other points on the Great Northern Railway should be heard.

This tenth complaint is, therefore, dismissed, subject to a further hearing should the complainants desire it.

11. The eleventh charge contained in said formal complaint relates to the train service between Libby and Kalispell.

This subject has been by the Commission carefully investigated and after consultation with residents living in the vicinity of Libby, and with officials of the road, it is now believed that the train service offered by the Railway Company between Libby and Kalispell is much improved if not entirely satisfactory, and therefore the matter will be held in statu quo subject to the further order or direction of the Board in event it is deemed necessary or desirable.

12 and 13. The 12th and 13th grievance set up in said formal complaint relate to the number of stations at which stops are made in Flathead County by passenger trains, and also to the number of accidents which have resulted in injury or death to many persons. Both of these charges having been formally withdrawn by the complainants by statement in writing, are therefore hereby ordered dismissed from further consideration.

14. The 14th ground of complaint relates to the rule or regulation of the Railway Company requiring a shipper who presents a claim for damages, to deliver to the company all papers which constitute evidence of his claim. The Board is of opinion that this rule or regulation is reasonable on the part of the Railway Company and that it is a regulation adopted and enforced

by nearly all railway companies operating in the United States. If the consignee or consignor be desirous of keeping certified copies of his papers or securing duplicates thereof, it is hereby ordered that agents of the company shall furnish such copies on request.

15. The 15th ground of complaint alleges that there should be established and maintained at Belton, a suitable freight and passenger depot together with sufficient and competent help to transact the business, and provide for the comfort and convenience of the passengers.

The Board having given this matter special attention and having received assurances from the general officers of the Great Northern Railway Company that it is their intention in the very near future to place a substantial and commodious depot at this point, that matter being undertaken, however, on account of the contemplated parking of a portion of the country adjacent to Belton, thereby making it a prominent stopping point for tourists, rather than because of the present business at that place, and there being no evidence in the record showing that the present accommodations at Belton are inadequate, final action by the Board on this complaint is deferred. However, should the proposed new structure be unreasonably delayed, and it is brought to the attention of the Board that the facilities now provided are inadequate, to accommodate the present business, a special order covering that matter will be made by the Board.

Therefore, this subject is hereby ordered to be held in abeyance awaiting further action by the Railroad Company, the complainants or others.

16. The 16th ground of complaint relates to the failure of the Great Northern Railway Company to furnish to shippers in Kalispell in sufficient quantity at the proper times refrigerator cars for the transportation of perishable merchandise. By a subsequent written communication addressed to this Board, this ground of complaint has been formally withdrawn, but in lieu thereof a request was made that this Board take up the matter of freight rates promulgated by the Railway Company with respect to the carriage of wheat and oats from Kalispell to points beyond the State of Montana. This is a subject over which the Commission has no jurisdiction or control. However, the Commission has taken the subject up with the representatives of the Railway Company with the result that such rate was reduced 5c cwt. on oats and therefore, this subject is now ordered dismissed.

17. The 17th ground of complaint has reference to the opening of Main street across and over the right of way and tracks of the Great Northern Railway Company at the City of Kalispell. It having been determined by this Commission and by written acknowledgment conceded by complainants that this matter is one not properly addressed to this Board, it is hereby ordered that this ground of complaint be dismissed.

It is further hereby ordered that the Secretary of this Commission shall immediately serve upon the complainants or their authorized representative, and upon the Great Northern Railway Company or its appropriate representative,

a true and correct attested copy of this order, said service being made either personally or by registered mail.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal)

Attest:

H. K. HOWRY,
Secretary.

ORDER NO. 14.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices in the Capitol Building, City of Helena, State of Montana, this 2nd day of April, 1908, the following order was duly and regularly made, to-wit:

IN THE MATTER OF THE APPOINTMENT OF A STATION AGENT AT
DODSON.

Whereas, complaint has been made to the Board of Railroad Commissioners of the State of Montana by numerous residents of the Little Rockies, mining, farming and stock growing district in Chouteau County, Montana, setting forth the inadequacy of the facilities provided for the transportation of passengers, freight and express to and from that district, and alleging that the placing of a station agent at the station of Dodson would greatly facilitate the handling of this business, and the Board heretofore having investigated the subject of said complaint and having conferred with the officials of the Great Northern Railway Company at an informal hearing held February 19, 1908, at the offices of the Commission and having had access to and considered the reports of the Great Northern Railway Company showing shipments into and out of the station of Dodson, and it appearing that a large amount of business now handled at Malta and other points should properly go to Dodson and would go there, if proper facilities for handling the same should be provided, and being otherwise fully advised in the premises, and being of the opinion that a station agent at said station of Dodson would be of great convenience to the numerous residents of the district above referred to, and believing that the amount of business to be handled at that point now makes it necessary to place there an agent for the transaction of the business of the community;

It is Now Hereby Ordered that the Great Northern Railway Company do, on or before the first day of May, 1908, place some suitable person in charge of the station at Dodson for the purpose of handling the passenger, freight, express and telegraph business of that station.

The Secretary is hereby directed to serve a copy of this order either personally or by registered mail upon the proper officials of the Great Northern Railway Company.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal)

Attest: .

H. K. HOWRY,
Secretary.

ORDER NO. 15.

At a meeting of the Board of Railroad Commissioners of the State of Montana duly and regularly held at its offices in the Caipitol Building, City of Helena, State of Montana, this 15th day of April, 1908, the following order was duly and regularly made, to-wit:

IN THE MATTER OF THE RUNNING OF ENGINES FROM BLOSSBURG
TO HELENA.

Whereas, it has been called to the attention of the Board of Railroad Commissioners of the State of Montana that certain engines known as and called Class "Z" engines, designed and used for helping trains over mountain grades, are now operated backing up between Blossburg and Helena when running light; and

Whereas, it appears to the Board that such method of operation is unsafe and dangerous both to the employes of the railway company and to the traveling public in general;

It is Now Hereby Ordered that the Northern Pacific Railway Company, do, on or before the 1st day of May, 1908, abolish and abrogate the rule and bulletin designated as Bulletin No. 116, and dated at Missoula, March 24th, 1908, and that hereafter Class "Z" engines cut out at Blossburg and returning light to Helena, are first to be turned on the "Y" at Blossburg and run into Helena going forward.

The Secretary is hereby directed to serve a copy of this order either personally or by registered mail upon the proper officers of the Northern Pacific Railway Company.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,
Secretary.

ORDER NO. 16.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices, Capitol Building, City of Helena, State of Montana, this 15th day of April, 1908, the following order was duly and regularly made, to-wit:

IN THE MATTER OF THE STOPPAGE OF NORTHERN PACIFIC TRAIN
No. 5 AT SILVER BOW JUNCTION.

Whereas, it has been made to appear to the Board of Railroad Commissioners of the State of Montana that the stoppage at Silver Bow Junction, of train No. 5, being a train of the Chicago, Burlington & Quincy Railroad Company operated by and over the lines of the Northern Pacific Railway Company in Montana, would be a matter of convenience and accommodation to the traveling public generally, and especially such stoppage would enable passengers traveling into the City of Butte on the Oregon Short Line route to frequently make connections with said train No. 5 at Silver Bow Junction when bound for points west of Butte;

It is Now Hereby Ordered that the Northern Pacific Railway Company do on or before the 1st day of May, 1908, issue an order requiring the stoppage of said train No. 5 at Silver Bow Junction, Silver Bow County, Montana, and from and after said last above named date, said order will be effective.

The Secretary is hereby directed to serve a copy of this order by registered mail upon the proper officers of the Northern Pacific Railway Company.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,
Secretary.

*ORDER NO. 17.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices in the Capitol Building, City of Helena, State of Montana, this 28th day of May, 1908, the following order was duly and regularly made, to-wit:

IN THE MATTER OF THE DISCONTINUANCE OF STATION AGENTS, STATIONS, AND SIDE-TRACKS.

Whereas, it has come to the notice of the Board of Railroad Commissioners of the State of Montana, that heretofore it has been the custom of railway companies operating within the State of Montana, to discontinue station agents at certain stations, to abandon certain stations entirely, and to abandon and remove side tracks and spur tracks without notice to the Board or to the public; and it being made to appear to the Commission that each of said practices results in annoyance and inconvenience to the traveling public as well as to shippers;

It is Now Hereby Ordered that no railway company now or hereafter operating within the State of Montana shall discontinue a station agent at any station where a station agent now is or may hereafter be installed, without first giving notice thereof to and receiving permission from the Board of Railroad Commissioners of the State of Montana to make such change.

It is Further Ordered that no railway company now or hereafter operating within the State of Montana shall abandon any station either upon main or branch lines which now is or may hereafter be established, without first giving notice thereof to and receiving permission from the Board of Railroad Commissioners of the State of Montana to make such change.

It is Further Ordered that no railway company now or hereafter operating within the State of Montana shall abandon or remove any side track or spur track either on main or branch lines, which now is or may hereafter be installed, without first giving notice to and receiving permission from the Board of Railroad Commissioners of the State of Montana.

This order and the whole thereof shall be in full force and effect from and after the 1st day of June, 1908.

The Secretary is hereby directed to serve a copy of this order either personally or by registered mail upon the proper officers of the various railroad operating within the State of Montana.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,

Secretary.

*The above order was served on the Northern Pacific, Great Northern, Montana, Butte, Anaconda & Pacific, Yellowstone Park, Oregon Short Line, Chicago, Milwaukee & St. Paul, and Chicago, Burlington & Quincy Railroad Companies.

ORDER NO. 18.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices in the Capitol Building, City of Helena, State of Montana, this 4th day of June, 1908, the following order was duly and regularly made, to-wit:

IN THE MATTER OF THE REMOVAL OF A PASSING TRACK AT THE
STATION OF ASHFIELD.

Whereas, it has been called to the attention of the Board of Railroad Commissioners of the State of Montana that the Great Northern Railway Company desires and is about to remove a certain passing track now laid at or near its station of Ashfield; and,

Whereas, certain residents of the vicinity of Ashfield have complained that if the passing track is entirely removed their facilities for loading and unloading cars will be destroyed; and,

Whereas, the Board of Railroad Commissioners of the State of Montana heretofore on the 12th day of May, 1908, held at its offices in the Capitol Building, City of Helena, State of Montana, a hearing wherein the said Great Northern Railway Company was represented by its duly authorized agents and the shippers of the vicinity of Ashfield being also represented, and the said Board having under consideration the testimony submitted at said hearing, and having investigated the matter thoroughly and being fully advised in the premises;

It is Now Hereby Ordered that the Great Northern Railway Company may remove so much of said passing track as will leave a spur capable of holding ten cars, and that said spur will be left at the end of the passing track nearest to the public road crossing the tracks of the said Great Northern Railway Company; and,

Further, that said Great Northern Railway Company shall put said spur track in condition for loading and unloading cars on said spur.

The Secreary is hereby directed to serve a copy of this order either personally or by registered mail upon the proper officer or representatives of said Great Northern Railway Company.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,

Secretary

ORDER NO. 19.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices in the Capitol Building, City of Helena, State of Montana, this 16th day of June, 1908, the following order was duly and regularly made, to-wit:

IN THE MATTER OF A THREE CENT PER MILE PASSENGER TARIFF
ON THE MONTANA RAILROAD.

Whereas, there is now and for a long time past has been in effect a passenger tariff of five cents per mile on the Montana Railroad operating between Lombard, Montana, and Lewistown, Montana; and,

Whereas, the Railroad Commission of Montana, on the 11th day of February, 1908, held a hearing in the City of Lewistown, wherein the public having occasion to use said railroad, and the railroad company were both represented by agents and attorneys; and,

Whereas, it was determined by the Board of Railroad Commissioners of the State of Montana, that under all the existing circumstances, the then established passenger tariff of five cents per mile was, at that time, fair, just and equitable and the traveling public, by their duly authorized agents, agreeing and coinciding therein, said passenger tariff of five cents per mile was by this Board authorized and allowed until such time as the Chicago, Milwaukee & St. Paul Railway Company should begin the operation of passenger trains over its line as far west as Lombard, Montana; and,

Whereas, it appears to the Board of Railroad Commissioners of the State of Montana, in the light of the testimony submitted at said hearing and of further independent investigation by said Commission, that a three cent passenger tariff should now be established by said Montana Railroad Company;

It is Now Hereby Ordered, that the Montana Railroad Company do, on or before the 1st day of August, 1908, establish and promulgate a passenger tariff between points on said railroad line, based upon a tariff of three cents per mile.

The Secretary is hereby directed to serve a copy of this order either in person or by registered mail upon the proper officers of the Montana Railroad Company.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE
OF MONTANA.

(Seal)

Attest:

H. K. HOWRY,
Secretary.

ORDER NO. 20.

At a meeting of the Board of Railroad Commissioners of the State of Montana, duly and regularly held at its offices in the Capitol Building, City of Helena, State of Montana, this 17th day of June, 1908, the following order was duly and regularly made, to-wit:

IN THE MATTER OF THE OPENING OF A STATION AT CORBIN.

Whereas, it has been made to appear to the Board of Railroad Commissioners of the State of Montana, that the people residing at and in the vicinity at Corbin, heretofore a station on the line of the Great Northern Railway, are without proper and adequate station conditions at said point: and,

Whereas, the Board of Railroad Commissioners of the State of Montana, held a public hearing, the 18th day of April, 1908, wherein the shippers and traveling public of Corbin and vicinity were represented, and the Great Northern Railway Company was present by its proper agents and officers; and,

Whereas, the said Board of Railroad Commissioners has since made personal investigation of the conditions at said station of Corbin, and it appearing to said Commission that the volume of business transacted at said station, and the number of people to be accommodated, thereby makes the establishment of a station and station agent at said point, reasonable and desirable.

It is Now Hereby Ordered, that the Great Northern Railway Company, do on or before the 15th day of July, 1908, open a station at Corbin and install there an agent, and that this order shall be effective from and after the last above mentioned date.

The Secretary is hereby directed to serve a copy of this order either personally or by registered mail upon the proper officers or representatives of the Great Northern Railway Company.

BY ORDER OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

(Seal.)

Attest:

H. K. HOWRY,
Secretary.

REGULATIONS.

The following regulations have been issued by the Commission:

REGULATION No. 1.

No railroad company operating within the State of Montana, after the adoption by the Commission of such Company's freight, passenger, express and other tariffs, and the rules and regulations with respect thereto, applying locally in this state, shall advance, reduce, change or modify the same or issue new tariffs, locally in Montana, without first obtaining the Commission's consent and authorization therefor.

REGULATION No. 2.

From and after the 1st day of April, 1908, any person, persons, corporation or association, owning, leasing or operating any railroad within the State of Montana, shall so make up their trains, where mixed trains are run, that the mail, express and baggage car or cars on such trains shall be placed behind all freight cars in said train whether said cars are loaded with express, live stock or freight.

REGULATION No. 3.

All railroads or railroad corporations operating within the boundaries of the State of Montana, are hereby required upon the arrival of any delayed passenger train at the first division terminal, within the confines of this state, to notify by telegraph, every station on the line of the railroad within the state, the amount of time such passenger train is delayed, and upon the arrival of any such delayed passenger train at each succeeding division terminal, it is likewise made the duty of such company through its servants, agents and employes, to notify by telegraph every station on the line of such road within the state, which has not yet been reached by said train in its course, the amount of time the train will be delayed beyond the schedule time for arrival at such stations; and every such railroad or railroad corporation is hereby required, and it is made its duty through its servants, agents or employes within 15 minutes after receipt of telegraphic notification announcing the time such train is delayed beyond schedule, to post a notice of the same conspicuously in every depot, station or waiting room not yet reached by any such train advising the public of the time such train is delayed, and the time that it will likely arrive at such station. And it is likewise made the duty of every such railroad or railroad corporation, through its servants, agents or employes, within 15 minutes after receipt of telegraphic notification that any such train is further delayed, to again post notice of such delay in every depot, station or waiting room, as heretofore directed, for the information, benefit, advantage and convenience of the traveling public.

RATE WORK OF THE COMMISSION.

After careful investigation into the methods and organization of older and well established Railroad Commissions, the Board concluded that it would be necessary to employ a rate-clerk. Commissioner Godfrey was accordingly delegated to go east and select a competent man. This resulted in the engagement of Oliver W. Tong, as Rate Clerk to the Commission, at a salary of \$2,000.00 per annum.

ADOPTION OF TARIFFS.

Within a short time after the organization of the Commission, the work of securing copies of existing freight and passenger tariffs was completed, and the Board was then placed in a position to comply with Section 13, of the Railroad Commission Law, which provides, "the power and authority is hereby vested in the said Board, and it is hereby made its duty to adopt as soon as practicable after the organization of the Board all necessary rates, charges and regulations to govern and regulate freight and passenger tariffs * * * * on the different railroads in this State, and to make the same effective by enforcing the penalties prescribed in this Act."

Under the Law, it was not imperative that the Commission adopt new rates, but in order to prevent the Railroad Companies advancing rates, it was concluded that the best interests of the State would be served by adopting, with two exceptions, all the tariffs, rules and regulations which were in existence on the various lines operating within Montana.

Accordingly, July 10th, 1908, was set and legally advertised as the date upon which the Board would hold a public hearing and proceed to fix and adopt maximum rates, rules and regulations applicable on intrastate traffic.

The hearing was well attended. The Commission announced that it would be to the best interests of all concerned to adopt all the existing tariffs filed with the Commission, except express tariffs, with the exception of a tariff applicable on coal from producing stations on the Great Northern Railway, and a tariff of the Northern Pacific Railway applying on lumber between points within the State. Vigorous objections were made by representatives of the railroads against the exclusion of these tariffs, with the result that it was finally decided to hold hearings on the two subjects, at which all parties interested could be given an opportunity to come before the Commission.

At later dates, orders were duly and regularly made and directed to each railroad in the State, declaring as a maximum, the existing freight and

passenger rates, rules and regulations, and on and after the date of effectiveness of same, the railroads were ordered to make no changes in rates without authorization of the Commission.

INTERCHANGEABLE MILEAGE BOOKS.

The Commission early took under consideration the question of a reduction in the passenger fare between all Stations within the State and after careful investigation it was convinced of the impossibility of securing for some time to come, a reduction in the present rate of three cents per mile. However, a conference was arranged with the railroads to discuss the subject and an agreement reached whereby, in view of the three cent passenger fare between local stations within the State, the Great Northern, the Northern Pacific, and the Chicago, Burlington & Quincy Railway Companies would issue 3,000 Mile Interchangeable Mileage Tickets at a rate of 2 1-2 cents per mile, the same to be honored for passage in the following described territory:

Northern Pacific Railway. Between all stations, North Dakota and west to the coast.

Astoria & Columbia River Ry. Between all stations.

Butte, Anaconda & Pacific Ry. Between all stations.

Chicago, Burlington & Quincy Ry. Between all stations on their lines in Montana, Wyoming and Colorado, and for through business on that portion of their lines in South Dakota and Nebraska over which it is necessary to travel in order to reach Colorado.

Farmers' Grain & Shipping Co.'s R. R. Between all stations.

Great Northern Ry. Between all stations on their lines in Manitoba, North Dakota and west, and between stations locally in South Dakota, Albee to Huron, also between Fairmont, N. D. and Aberdeen, S. D.

Montana Railroad Co. Between all stations.

Port Townsend Southern R. R. Between all stations.

Spokane Falls & Northern Ry. Between all stations.

Vancouver, Westminster & Yukon Ry. Between all stations.

Washington & Columbia River Ry. Between all stations.

Willmar & Sioux Falls Ry. Between all stations locally in South Dakota, Sherman to Booge and Yankton.

In making mileage detachments, conductors to detach two coupons for each mile traveled on these lines.

Accordingly these interchangeable mileage tickets were placed on sale at stations in the State of Montana, and in the other territory mentioned, effective July 10th, 1907.

At this meeting it was also arranged to have the railroad companies continue to grant, on all special occasions, the usual excursion rate of a fare and one-third for the round trip.

COAL RATES ON GREAT NORTHERN RAILWAY.

Immediately after the organization of the Commission, numerous complaints were received relative to the existing coal rates on the line of the Great Northern Railway. Conferences were held with all interested parties with a view to arriving at some fair adjustment, and as a result, the Commission finally fixed and established rates from each producing point on the Great Northern Railway to all consuming points thereon. The inauguration of these rates permitted the opening of new coal mines and the shipping of the fuel to the largest consuming centers in the State.

The approximate reduction in the coal rates in this instance amounted to not less than forty per cent and the reduced rates became effective August 15th, 1907, which enabled the operators to compete for the coal business of the ensuing winter season.

LUMBER RATES OF THE NORTHERN PACIFIC RY.

Prior to the establishment of the Commission, the Northern Pacific Railway had in use, a distance tariff between all stations within the State applicable on lumber and forest products. In addition to the distance tariff rates provided therein, some specific rates were named to the principal consuming points. Effective June 30th, 1907, the Northern Pacific Railway Company filed with the Commission a new tariff, which, in effect, meant an advance of forty per cent in the rates that previously prevailed. This was one of the tariffs in controversy at the hearing held on July 10th, 1907, at which time the Commission refused to adopt the new rates, but decided to give the Railway Company an opportunity to be heard on the subject. A hearing, therefore, was duly and regularly advertised to be held on July 24th, 1907, at which time all interested parties would be given an opportunity to present evidence on the question of the proposed advances in lumber rates. This hearing resulted in the cancellation of the entire distance tariff, in lieu of which specific rates were established from every producing point to every consuming point on the Northern Pacific Railway and the Butte, Anaconda & Pacific Railway, in the state.

In addition to the changes in rates, arrangements were made with all parties interested for the inclusion of every article of forest product at either the lumber rates, or an arbitrary of one cent per cwt. over. The minimum weights were also changed to the cubical capacity basis, thereby insuring full loading of cars. The effect of this adjustment was a reduction of practically thirty per cent from the rates named in tariff rejected by the Commission.

DEMURRAGE.

The Commission found demurrage rules in rather a chaotic condition, each railroad in the State operating under from one to three sets of rules, with no uniformity. In fact, some sections were favored over others. This condition coming to the attention of the Commission, the matter was consid-

ered at several formal and informal hearings in Helena and Butte and resulted in uniform rules, both on State and interstate business, more favorable to the shipper than those of any other state in the Union.

Previously, each railroad had appointed one of its officials to look after demurrage claims and matters in general and in many instances this proved unsatisfactory to shippers on account of delay in adjustment of claims. This has been changed to a much more satisfactory basis, by the forming of a State Association, with jurisdiction over all demurrage matters on all lines in the State, with headquarters at Butte. Mr. J. D. Mendenhall, Commissioner.

DEMURRAGE RULES.

RULE 1.

CARS SUBJECT TO RULES.

Cars held for or by consignors or consignees for loading, unloading, forwarding direction, or for any other purpose, are subject to these Demurrage Rules, except as follows:

- (A) Cars loaded with company material.
- (B) Cars loaded with live stock.
- (C) Private cars on tracks of the owner.
- (D) Cars with through consignments not stopped in transit or held for orders.
- (E) Empty cars held by railroads for prospective loading.

RULE 2.

FREE TIME ALLOWED.

(A) Forty-eight hours free time will be allowed for loading or unloading on all commodities, except three (3) days, seventy-two (72) hours free time will be allowed for unloading lumber, stulls, lagging, coal, coke, lime, lime rock, and bulk precipitates.

(B) Twenty-four hours free time will be allowed:

1. When cars are re-consigned.
2. When cars are held for final or amended instructions.
3. When cars are held for payment of freight charges before delivery to connections.
4. When cars are held with freight in bond for Government inspection.

(C) When cars are interchanged with minor railroads or industrial plants performing their own switching service, handling cars for themselves or other parties, an allowance of twenty-four hours will be made for switching in addition to the regular time allowed for loading and unloading. If returned loaded an additional forty-eight hours free time will be allowed.

(D) Cars held in transit for inspection grading, cleaning, bagging, completion or change of load, or change of destination under a through rate from the original shipping point to the final destination, with or without a stop over charge and detained over the free time allowed for such purpose, will be subject to the demurrage charge. If such shipments are transferred to other cars, the demurrage charge will follow on the cars into which the transfer is made.

(E) Agents are prohibited from storing any part of carload freight in warehouse or on platforms or grounds belonging to the railroad company without assessing charges the same as if the freight had been left in car.

RULE 3.

COMPUTING TIME.

Note—In computing time, Sundays and the following legal holidays will be excluded: New Year's Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, National and State Election Days, Thanksgiving Day, Christmas Day, and such other days as may hereafter be made legal holidays by the proper authorities. When a legal holiday falls on Sunday, the following Monday will be exempt.

(A) Time will be computed from the first 7:00 A. M. after cars are placed on public delivery tracks for loading.

(B) Time will be computed from the first 7:00 A. M. after notice to consignee of arrival, when cars are held for orders, or from the first 7:00 A. M. after placing on public delivery tracks when cars are held for unloading.

(C) On cars to be delivered on private tracks, time will be computed from the first 7:00 A. M. after actual or constructive placement on such tracks.

(D) On cars to be delivered on interchange tracks of minor railroads or industrial plants performing their own switching service, the time will be computed from the first 7:00 A. M. following delivery on such interchange tracks until return thereto.

RULE 4.

NOTIFICATION.

(A) Consignee shall be promptly notified upon arrival of cars at destination, or, in case cars are ordered stopped in transit, upon arrival of cars at point of stoppage.

(B) Delivery of cars upon private or interchange tracks, or notice to consignee of readiness to so deliver, will constitute notification thereof to consignee.

RULE 5.

PLACING OF CARS FOR UNLOADING.

(A) When delivery of cars consigned or ordered to private tracks cannot be made on account of inability of consignee to receive, delivery will be considered to have been made when the car was tendered. The agents must give notice on form prescribed for all cars they have been unable to deliver because of the condition of the private tracks, or because of other conditions attributable to consignee. This shall be considered constructive placement.

(B) When delivery cannot be made on specially designated public delivery tracks on account of such tracks being fully occupied, or from other cause beyond the control of the carrier, the delivery will be made at the nearest available point.

RULE 6.

CARS FOR LOADING.

(A) Cars for loading will be considered placed when such cars are actually placed or held on orders of the consignor. In the latter case the agent must give notice on the form prescribed, of all cars which he has been unable to place because of condition of the private track, or because of other conditions attributable to the consignor. This will be considered constructive placement.

(B) If a car is placed for unloading and is reloaded by the same party, each transaction shall be considered as independent of the other, and 48 hours free time will be allowed for loading after unloading is completed. Free time for loading and unloading shall not exceed the time provided in Rule No. 2. The free time for loading will be computed from the first 7 A. M. after unloading is completed.

RULE 7.

INABILITY OF CONNECTION TO RECEIVE.

When a railroad is unable to receive cars in switching service tendered by a connection to be placed for delivery, owing to the inability of the consignee to receive, it will promptly notify the line offering, in order that notice may be given the consignor or consignee and other disposition requested. Notice will be promptly given the consignee by the road offering the car and twenty-four hours allowed the consignee for its disposition.

RULE 8.

CHARGES.

. . . .

After the expiration of the free time allowed, a charge of one dollar per car per day or fraction of a day, shall be made, for the succeeding five (5) days after which a charge of two dollars per car per day shall be made.

RULE 9.

CLAIMS.

When demurrage charges accrue under these rules, through no fault of the consignor or consignee, but for causes named below, and in the judgment of the agent of the carrier an adjustment thereof should be made, he will report the facts to the _____* for adjustment before presentation of bill.

CAUSES.

- (A) Weather interference within period of free time.
- (B) Delayed or improper notice.
- (C) Railroad errors or omissions.
- (*) Designated officer or agent.

DISTRIBUTING RATES FROM BILLINGS AND FORSYTH.

While the question of distributing rates from the jobbing centers was not to be a matter of discussion at the hearing to consider general distance tariff rates, representatives from the cities of Billings and Forsyth appeared at this hearing and expressed their views with reference to the adjustment of rates from these stations. So far as the Forsyth rates were concerned, the question had been previously taken up by the Commission and an adjustment had been reached. Distributing rates were established from that station to all points within a certain radius on the Northern Pacific Railway. After this disposition by the Commission, the matter was also taken up with the Chicago, Milwaukee & St. Paul Railway, and arrangements made for the establishment of similar rates to points on that line. Distributing rates are, therefore, now in effect from Forsyth, enabling the jobbers at that point to reach all the nearby towns at reasonable rates.

Conferences were had with the railroad officials and the Billings Commercial representatives regarding the jobbing rates from that district. The matter has been disposed of to the satisfaction of the Billings shippers, at least for the time being, as reductions have been made in merchandise rates from that station to points on the Burlington line, and an agreement reached whereby, in the near future, reductions will be made in the rates to stations on the Northern Pacific and the Great Northern Railways, where today the Billings jobbers are not able to compete.

COAL RATES FROM CHINOOK.

Complaint having been received from the Ruhe-Lange Coal Company, coal mine operators at Chinook, Montana, with reference to freight rates on coal from that station to points on the line of the Great Northern Railway, an informal conference was arranged between the officials of the Great Northern line and the shippers, February 4, 1908, and the subject of rates from Chinook, as compared with the rates from other coal producing

points, was gone into thoroughly. A satisfactory adjustment of the question was arrived at, and rates established to all stations on the Great Northern and Butte, Anaconda & Pacific Railway.

FRUIT AND VEGETABLE RATES.

At informal conferences, arrangement was made with the Northern Pacific Railway for the establishment of distance tariff on fruit and vegetables, in less than carload lots. There was not in effect a reasonable distance tariff on this traffic, although it appeared to the Board that there was a possibility of a future heavy movement of the business particularly from the Bitter Root district.

On August 10th, 1907, tariff became effective, making a reduction of 23 per cent in such rates.

INSTANCES WHERE RATES, ETC. HAVE BEEN CHANGED ON LESS

THAN STATUTORY NOTICE AND WITHOUT PUBLIC HEARING.

Under this subject the Board could hardly embody all the changes that have been made in rates, rules and regulations, in freight and passenger tariffs, but below will be found a brief outline of the principal instances where special authority has been extended to the railroads to make such changes.

BUTTE, ANACONDA & PACIFIC RAILWAY.

- Oct. 19, 1907: Authority to establish rate 30 cents per ton on ore, C. L. Browns to Anaconda; 25 cents per ton on line, C. L. Browns to Anaconda; 3-4 cents per mile allowance on private line cars.
- Jan. 14, 1908: Authority to establish rate 2c. cwt. on ties carloads Butte to Durant.
- Jan. 23, 1908: Authority to establish 90 cents per cord on wood from Anaconda to Butte; also cancellation of wood rate from Quarry Spur to Butte and Butte Hill, account tariff obsolete.
- Feb. 15, 1908: Authority to establish switching charge \$5.00 per car on ore, Speculator Mine to Butte.
- Feb. 18, 1908: Authority to establish rate of 50 cents per ton on graders outfit Butte to Durant.
- March 6, 1908: Authority to establish minimum charge on foundry products, carloads, loaded on flat cars, Anaconda to Butte and Butte Hill.
- March 20, 1908: Authority to establish special passenger rates for parties of ten or more.
- April 11, 1908: Authority to establish rate of 12 cents on beer, C. L. Butte to Anaconda—reduction from 17 cents.
- May 2, 1908: Authority to establish 50 cents per ton on locomotives, on own wheels, between Butte and Anaconda.

CHICAGO, BURLINGTON & QUINCY RAILROAD.

On various dates.

Various authorities for changes in merchandise rates from Billings to stations in Montana, all in nature of reductions.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY.

- Dec. 20, 1907: Authority to establish class "D" rating on grain, flour, etc.
- Feb. 15, 1908: Authority to establish various coal rates from Roundup, Montana, to stations on Northern Pacific via Lombard.
- March 3, 1908: Authority to cancel application of demurrage rules and regulations on Chicago, Milwaukee & St. Paul, account line not completed.
- April 3, 1908: Authority to establish distance traiff rates on sand, stone, brick, etc.
- April 27, 1908: Authority to issue tariff providing for absorption of switching charges of \$5.00 per car to or from industries located on N. P. Ry. at Miles City on competitive business.
- May 7, 1908: Authority to establish, with certain modifications suggested by the Board, rates or merchandise from Lewistown, Miles City and Forsyth to various stations.
- May 9, 1908: Authority to establish proportional rates on lumber, etc., from Lombard to various stations.
- May 11, 1908: Authority to establish rates on livestock in train loads.
- June 2, 1908: Authority to establish rules providing for storage charges at Forsyth, Miles City and Terry.

GREAT NORTHERN AND MONTANA CENTRAL RAILWAYS.

- July 17, 1907: Authority to establish 75c per ton on lime rock, Kirkendall to Black Eagle.
- Aug. 1, 1907: Authority to establish reduced rates on ore, Easton to Butte.
- Aug. 12, 1907: Authority to establish rate \$5.00 per car Pennsylvania Mine dump to Leonard shaft, Butte, on waste material.
- Aug. 12, 1907: Authority to establish rate one cent per cwt. minimum weight 100,000 pounds on crushed slag Black Eagle to Great Falls.
- Aug. 25, 1907: Authority to cancel rates on empty oil barrels returned between stations in Montana and apply Classification ratings.
- Aug. 25, 1907: Authority to apply rates 50 per cent higher than provided if eggs not packed in cases as per rule of Western Classification.

- Aug. 29, 1907: Authority to establish switching rates to and from State Fair Grounds at Helena.
- Sep. 17, 1907: Authority to establish lumber rates on ties.
- Oct. 2, 1907: Authority to establish rate \$1.00 per ton on old smelter material, Great Falls to Prickly Pear Junction.
- Oct. 9, 1907: Authority to protect actual weight on wood where cars loaded to full capacity.
- Dec. 23, 1907: Authority to establish rate 2c on grain and flour between Kalispell Flour Mills and Kalispell Industrial Company's warehouse at Kalispell, also \$5.00 per car on grain from Missoula Mercantile Company's warehouse to the Kalispell Flour Mill at Kalispell.
- Dec. 28, 1907: Authority to establish rate of \$2.62½ per ton on copper ore of \$100.00 valuation, Butte to Black Eagle.
- Jan. 20, 1908: Authority to change distance tariff rates (with certain modifications insisted on by Commission) on live stock from dollars per car to read in cents per cwt.
- Jan. 29, 1908: Authority to establish rate of \$1.50 per car on sand rock Low Line to High Line, Black Eagle.
- Feb. 13, 1908: Authority to cancel joint rates on coal from Havre to Dillon, which Board ordered established, account movement of traffic completed.
- Feb. 15, 1908: Authority to establish rate of \$1.00 on \$35.00 ore and \$1.30 per ton on ore of \$100.00 valuation, Butte to Helena.
- Feb. 18, 1908: Authority to establish rate 50c per ton on ice, Johnson's Spur (on Butte Hill) to team track and connecting lines in Butte and 40c per ton Johnson Spur to Mountain View Mine.
- Feb. 20, 1908: Authority to include Mackton Spur at Big Sandy and Stainby's Spur at Sand Coulee rates on coal.
- Feb. 28, 1908: Authority to establish rate \$1.50 per ton on coke, Butte to Helena.
- March 6, 1908: Authority to include month of April as one of months during which attendants could be passed in charge of perishable freight to care for same.
- Mar. 26, 1908: Authority to establish rate \$3.00 per ton on hay Stockett and Sand Coulee to Butte.
- April 4, 1908: Authority to change description of list of articles subject to packing house products rate.
- April 20, 1908: Authority to establish 12½c per ton, minimum charge \$4.00 per car, Tramway Mine to connection with B. A. & P. at Butte.

- April 24, 1908: Authority to establish rate of \$1.50 per car on slag and precipitates between points at Boston & Montana Smelter at Black Eagle; reduction from \$3.00 rate.
- May 2, 1908: Authority to establish on ore Neihart to Black Eagle \$1.00 on \$50.00 value; \$1.50 on ore value over \$50.00.
- May 26, 1908: Authority to establish rate 20c per cwt. on potatoes from Belt to Butte.
- June 2, 1908: Authority to establish rule providing that perishable freight held in transit for disposition would be at risk of owner.
- June 4, 1908: Authority to extend list of commodities subject to class "D" rating so as to include Brewer's Grits, etc.
- June 19, 1908: Authority to establish rate 3c per cwt. lumber, Athens to Kalispell.
- June 26, 1908: Authority to establish rate 12½c on mining stulls, Bernice to Black Eagle.
- June 27, 1908: Authority to establish lumber rates on shipments of saw dust.
- June 30, 1908: Authority to establish lumber rates to points on Billings & Northern Railway.
- July 1, 1908: Authority to apply Kalispell lumber rates from station of Marion to stations east and south of Shelby Junction.
- July 7, 1908: Authority to extend application of distance tariff and other rates to stations on the Billings & Northern Railway.

NORTHERN PACIFIC RAILWAY.

- Aug. 7, 1907: Authority to establish on scrap iron, carloads, Lewistown to Helena 21c, to Butte 24c; Hay, carloads, Lewis town to Helena 19c, Butte 22c; Glengary to Helena 18c, Butte 21c. Reductions.
- Aug. 10, 1907: Authority to establish rate \$1.50 per ton on coke, carloads, Butte to East Helena; reduction.
- Aug. 12, 1907: Authority to establish distance tariff rates on best pulp, carloads, from Billings, as follows: Points distant 40 miles, 30c; 50 miles, 40c; 60 miles, 50c per ton.
- Aug. 24, 1907: Authority to extend application of distance tariff rates on wood, distances between 200 and 300 miles. No rates previously provided.
- Aug. 25, 1907: Authority to establish rate \$1.00 per ton on iron fluxing ore, carloads, Three Forks to East Helena.
- Sept. 30, 1907: Request received from Northern Pacific Ry to establish coal rates from Terry to surrounding stations. Rates considered too high by Board and lower rates substituted.

- Oct. 7, 1907: Authority to establish rate \$2.25 per ton on copper ore, value \$25.00 per ton, Clasoil to Butte.
- Oct. 29, 1907: Authority to establish rate \$2.00 per car for switching between Logan and Sand Point Pit Spur. Tariff afterwards re-issued and various other changes made in rates, rules, etc., more favorable to public.
- Nov. 5, 1907: Question of switching charges at Butte taken under discussion. Railway Company attempted to establish rates at Butte, some of which were advances. Informal hearing held at Butte, at which time it was shown certain advances were satisfactory to the shippers of Butte.
- Nov. 22, 1907: Board requested railway to re-issue their tariff containing local commodity rates in State, account 48 amendments in effect. New tariff effective May 26, 1908.
- Nov. 26, 1907: Authority to establish following emergency rates on hard coal from Hamilton, Mont., parties not being able to make use of fuel which had been shipped to that point: Missoula, \$1.00; DeSmet, \$1.10; Taft, \$1.75 per ton.
- Dec. 24, 1907: Request from railway to establish rates on green lumber from Lo Lo and Hayes Spur to Missoula and Bonner of 2 cents with minimum weight of 60,000. Authority granted to establish the rate, but with 50,000 pounds minimum, higher minimum being considered by Board unwarranted.
- Dec. 4, 1907: Railway requested to re-issue lumber tariff containing local rates between stations in State and remedy certain errors. In revising proof of tariff, following changes made by Board: Rates from Hamilton to Whitehall corrected to 13c instead of 13½c; rate from Trout Creek and Thompson Falls to Alder corrected to 19½ instead of 19c; rate Elliston to Willow Creek and Three Forks corrected to 9½ instead of 11c; rate Gardiner to Mares corrected to 10½ instead of 11c.
- Jan. 4, 1908: Request received from railway company to establish rate 17½ cents on scrap iron, carloads, minimum weight 40,000 pounds, Billings to Helena and Butte. This rate was considered too high by the Board and ordered reduced to 13¾c.
- Jan. 4, 1908: Authority to establish the following rule on all tariffs containing rates on ore: "the smelter returns to the mine or owner before deducting the transportation charges shall be the value to be used in determining the

freight charges under the provisions of this tariff." Former rule provided that rates were to be based on the total value of the metal, no deductions of any character being made therefrom.

- Jan. 20, 1908: Authority to establish commodity rates on coal from Joppa to points between Forsyth and Glendive; reductions.
- Feb. 20, 1908: Authority to establish the following rates on ore from Winston to Butte: value \$10.00, rate \$1.75, minimum weight marked capacity of car; value \$35.00, rate \$2.00; value \$50.00, rate \$2.75; value \$75.00, rate \$3.05; value \$100.00 per ton, rate \$3.25 per ton. Authority also extended for establishment of rate of \$1.75 per ton on ore from Queen Siding to Butte, in connection with the Great Northern Railway; this authority changed, at later date, for establishment of rate of \$1.25 per ton, minimum weight 60,000 pounds; reductions.
- March 5, 1908: Authority to establish, with the B. A. & P. Ry. joint rate on wood from Bonita to Anaconda, \$1.875 per cord; reduction.
- March 19, 1908: Authority to reduce rate on coal from Red Lodge, Bridger, Wilsey and Fromberg from \$1.00 to 75c per ton.
- March 21, 1908: Authority to establish rate of 60 cents per ton on coal from Bridger to Fromberg.
- March 21, 1908: Authority to make the following changes in class rates between Helena and Butte:

	A	B	C	D	E
Old rates	26	24	18	14	11
New rates	25	20	15	13	10

In authorizing this change in rates, the Board also provided that the fifth class should be reduced from 26 to 25c.

- April 3, 1908: Authority to establish rate \$48.00 per car on camp outfit, Glendive to Big Timber. No rate previously provided.
- April 8, 1908: Authority to reduce rate on coal to Hysham from \$1.75 to \$1.65 per ton from the following stations: Bridger, Red Lodge, Fromberg and Wilsey.
- April 11, 1908: Authority to establish distributing rates from Forsyth to to Huntley, Fort Keogh, and intermediate points; reductions.
- April 15, 1908: Authority to establish switching charge of \$5.00 per car for interchange of cars with the C., M. & St. P. Ry. at Miles City.

- May 26, 1908: Authority to establish rate \$2.25 per ton on ore, value \$25.00 per ton, Lo Lo to Butte.
- April 27, 1908: Authority to reduce rate on coke, carloads, Electric to Anaconda from \$1.75 to \$1.65 per ton.
- April 29, 1908: Authority to establish the following rates on ore from Austin to Butte: value \$10.00, rate \$1.25, minimum weight marked capacity of car; value \$25.00, rate \$1.50, minimum weight marked capacity of car; value \$50.00, rate \$2.00; value \$75, rate \$2.50; value \$100.00 per ton, rate \$3.00 per ton, minimum weight 30,000 pounds; reduction.
- July 6, 1908: Authority to establish rate \$8.00 per ton on relaying rails Billings to Hamilton.
- July 7, 1908: Authority to establish rate \$1.00 per 1,000 feet, minimum charge \$7.50 per car, on logs, trainloads, Saltese and Quartz to St. Regis.

OREGON SHORT LINE RAILROAD.

- Aug. 2, 1907: Authority to make the following changes in tariff No. 2074-B, for reasons indicated: cancellation of special commodity rate on beer from Dillon to Butte, account no movement of business; cancellation of special commodity rate on lumber from Divide to Butte, account no movement of business; cancellation of special commodity rate on lumber, Divide to Melrose, account distance tariff rate lower; cancellation of special commodity rate on poles from Divide to Butte, account no movement of business.
- Sept. 26, 1907: Authority to publish the following distance tariff rates on wood for fuel, carloads:

5 miles	60c per cord
10 miles	75c per cord
25 miles	\$1.00 per cord
45 miles	\$1.25 per cord
65 miles	\$1.50 per cord
85 miles	\$1.75 per cord
105 miles	\$2.00 per cord
130 miles	\$2.25 per cord
155 miles	\$2.50 per cord

Authority also granted for cancellation of the following rates account no movement of business: \$7.50 per car on wood from Silver Bow to Dyers; \$1.65 per cord on wood from Dillon to Butte; \$1.00 per cord on wood from Divide to Butte.

- Oct. 5, 1908: Authority to establish distance tariff rates on ice, minimum weight marked capacity of car.

Oct. 21, 1907: Authority to change minimum weight on lime rock from Daly's Spur to Butte from 35,000 pounds to market capacity of car.

Dec. 20, 1907: Authority to establish new rules for the privilege of reconsigning carload freight in transit. Railroad company had issued general reconsigning rules applicable on entire line. These rules appearing to the Board to be detrimental to the shippers of Montana, the subject was taken under advisement with result that the Commission refused to adopt the rules promulgated by the Oregon Short Line, but in lieu thereof had rules established which would not work hardships on the shippers of this State.

Dec. 30, 1907: Authority to make the following changes in the distance tariff rates on cattle, sheep and range horses, carloads:

Distance 5 miles	rate advanced from \$ 2.00 to \$ 6.00 p. car
Distance 10 miles	rate advanced from \$ 2.00 to \$ 6.00 p. car
Distance 15 miles	rate advanced from \$ 4.00 to \$ 8.00 p. car
Distance 20 miles	rate advanced from \$ 6.00 to \$10.00 p. car
Distance 25 miles	rate advanced from \$ 8.00 to \$11.00 p. car
Distance 30 miles	rate advanced from \$ 9.00 to \$12.00 p. car
Distance 35 miles	rate advanced from \$10.00 to \$13.00 p. car
Distance 40 miles	rate advanced from \$12.00 to \$14.00 p. car
Distance 45 miles	rate advanced from \$12.00 to \$14.00 p. car
Distance 50 miles	rate advanced from \$14.00 to \$15.00 p. car

Permission for the advancement of these rates was granted owing to a clerical error having been made in publication of the original tariff, the Board considering the old rates, for the distances shown, unreasonably low.

March 3, 1908: Authority to issue Circular No. 3000-A containing miscellaneous rules, regulations and exceptions to Classification. This circular is of large scope. It was revised by the Board and many rules changed to conform with the Board's views for protection of shippers of the State.

March 9, 1908: Request received from the railroad company for privilege of advancing distance tariff rates on hay, carloads, as follows:

55 miles from 7 to 8c per cwt.

70 miles from 8 to 9c per cwt.

75 miles from 8 to 9c per cwt.

Authority declined account insufficient reasons for the proposed advances.

June 9, 1908: Authority to publish new distance tariff on classes and commodities locally between stations on Oregon Short Line, also jointly between stations on O. S. L. and stations on B. A. & P. Ry. The proof of this tariff was checked by the Board, and the following changes made in rates:

FIRST ANNUAL REPORT

Class Rates in cents per 100 pounds.

Between Butte and		1	2	3	4	5	A
Barrats	Old rates.....	52	44	36	31	.....	.....
	New rates.....	46	39	32	28	.....	.....
Daly's	Old rates.....	52	44	36	31	.....	.....
	New rates.....	48	41	34	29	.....	.....
Grayling	Old rates.....	52	44	36	31	.....	.....
	New rates.....	50	43	35	30	.....	.....
Crab Tree	Old rates.....	.....	.....	.....	.....	31	31
	New rates.....	.....	.....	.....	.....	30	30
Dell	Old rates.....	.....	.....	.....	.....	32	32
	New rates.....	.....	.....	.....	.....	30	30
Lima	Old rates.....	.....	.....	.....	.....	34	34
	New rates.....	.....	.....	.....	.....	31	31
Williams	Old rates.....	.....	.....	.....	.....	35	35
	New rates.....	.....	.....	.....	.....	33	33
Monida	Old rates.....	.....	.....	.....	.....	37	37
	New rates.....	.....	.....	.....	.....	34	34
Between Silver Bow and							
Barrats	Old rates.....	48	41	34	29	.....	.....
	New rates.....	46	39	32	28	.....	.....
Daly's	Old rates.....	50	43	35	30	.....	.....
	New rates.....	48	41	34	29	.....	.....
Grayling	Old rates.....	52	44	36	31	.....	.....
	New rates.....	50	43	35	30	.....	.....
Dell	Old rates.....	.....	.....	.....	.....	31	31
	New rates.....	.....	.....	.....	.....	30	30
Lima	Old rates.....	.....	.....	.....	.....	34	34
	New rates.....	.....	.....	.....	.....	31	31
Williams	Old rates.....	.....	.....	.....	.....	34	34
	New rates.....	.....	.....	.....	.....	33	33
Monida	Old rates.....	.....	.....	.....	.....	37	37
	New rates.....	.....	.....	.....	.....	34	34
Between Dillon and							
Crab Tree	Old rates.....	15	15	12	11	8	6
	New rate.....	13	13	10	9	6	5
Dell	Old rates.....	15	15	14	12	9	7
	New rates.....	13	13	10	9	6	5
Lima	Old rates.....	15	15	15	14	10	8
	New rates.....	13	13	10	9	6	5
Williams	Old rates.....	20	20	17	15	11	8
	New rates.....	17	17	14	12	9	7
Monida	Old rates.....	20	20	17	15	11	8
	New rates.....	17	17	14	12	9	7
Melrose	Old rates.....	15	15	12	11	8	6
	New rates.....	13	13	10	9	6	5
Big Hole.....	Old rates.....	15	15	14	12	9	7
	New rates.....	13	13	10	9	6	5
Maiden Rock.....	Old rates.....	15	15	14	12	9	7
	New rates.....	13	13	10	9	6	5
Keith's	Old rates.....	15	15	14	12	9	7
	New rates.....	13	13	10	9	6	5
Divide	Old rates.....	15	15	15	13	9	7
	New rates.....	13	13	10	9	6	5
Beaudines	Old rates.....	22	22	18	.....	.....	9
	New rates.....	21	21	17	.....	.....	8
Feely	Old rates.....	22	22	18	.....	.....	9
	New rates.....	21	21	17	.....	.....	8
Buxton	Old rates.....	22	22	18	.....	.....	9
	New rates.....	21	21	17	.....	.....	8
Silver Bow.....	Old rates.....	23	23	18	16	12	9
	New rates.....	21	21	17	15	11	8
Butte	Old rates.....	24	24	19	17	12	10
	New rates.....	21	21	17	15	11	8
(B., A. & P. Ry.)							
Rocker	Old rates.....	24	24	19	17	12	10
	New rates.....	21	21	17	15	11	8

May 22, 1908: Authority granted for republication of joint rates with
Great Northern and Northern Pacific Railways, in
Montana.

EXPRESS.

Hearing for establishment of maxima rates, rules and regulations, for express companies, operating within the State, was duly and regularly advertised to be held on January 4, 1908. As in the case of freight and passenger tariffs of the railroads, the Board deemed it advisable to accept, without change, the existing tariffs of the Adams Express Company, the Great Northern Express Company, the Northern Express Company, and the Pacific Express Company, these being the only companies operating within the State on that date.

FRUIT AND VEGETABLE RATES OF NORTHERN EXPRESS CO.

Prior to hearing, for adoption of the express companies' tariffs, a check had been made of the special commodity rates in existence and it was found that the fruit and vegetable rates of the Northern Express Company were in an unsatisfactory condition. The attention of the express company was called to this, at the hearing on January 4, 1908, and agreement was reached at that time whereby the company would publish a new tariff containing all the fruit and vegetable rates in the State, and at the same time make material reductions in such rates.

The only rate on fruit and vegetables in existence prior to April 15, 1908, date on which the new tariff became effective, from the Bitter Root district to Helena, Butte and Anaconda, of \$1.00 per 100 pounds. This rate was lower, in proportion, than the new rates established, and for this reason the Northern Express Company desired to have that rate advanced. Feeling that a change of this character would work a great hardship on the shippers in the Bitter Root district, the Board notified the express company that the desired authority could not be extended.

Below will be found a complete list of all the special commodity rates in existence prior to April 15, on fruit and vegetables, via the Northern Express Company, the old and new rates being shown, together with the reductions made by publication of the new tariff.

Between	Old Rate	New Rate	Reduction in cents per 100 lbs.
Butte and Red Lodge.....	\$2.00	\$1.75	.25
Butte and Bozeman.....	\$1.10	\$.85	.25
Butte and Billings.....	\$1.75	\$1.60	.15
Butte and Forsyth.....	\$2.25	\$2.00	.25
Butte and Miles City.....	\$2.25	\$2.00	.25
Butte and Glendive.....	\$2.50	\$2.15	.35
Butte and Laurel.....	\$1.75	\$1.50	.25
Butte and Plains.....	\$1.50	\$1.35	.15
Butte and Park City.....	\$1.75	\$1.50	.25
Butte and Ravalli.....	\$1.50	\$1.10	.40
Billings and Helena.....	\$1.75	\$1.60	.15
Billings and Livingston.....	\$1.25	\$1.00	.25
Billings and Bozeman.....	\$1.40	\$1.10	.30
Bozeman and Forsyth.....	\$2.00	\$1.60	.40
Bozeman and Miles City.....	\$2.00	\$1.90	.10
Bozeman and Glendive.....	\$2.25	\$2.00	.25
Bozeman and Missoula.....	\$1.75	\$1.50	.25
Bozeman and Stevensville.....	\$1.75	\$1.60	.15
Bozeman and Florence.....	\$1.75	\$1.60	.15
Columbus and Helena.....	\$1.75	\$1.35	.40
Columbus and Butte.....	\$1.75	\$1.35	.40
Columbus and Anaconda.....	\$1.75	\$1.50	.25
Columbus to Big Timber.....	\$.70	\$.60	.10
Columbus to Gardiner.....	\$1.35	\$1.00	.35
Forsyth and Livingston.....	\$1.75	\$1.50	.25
Forsyth and Sappington.....	\$2.25	\$1.90	.35
Hamilton to Livingston.....	\$2.25	\$1.90	.35
Helena and Red Lodge.....	\$2.00	\$1.75	.25
Helena and Custer.....	\$2.25	\$1.90	.35
Helena and Forsyth.....	\$2.25	\$2.00	.25
Helena and Miles City.....	\$2.25	\$2.00	.25
Helena and Glendive.....	\$2.50	\$2.15	.35
Helena and Wibaux.....	\$2.50	\$2.25	.25
Helena and Laurel.....	\$1.75	\$1.50	.25
Helena and Plains.....	\$1.50	\$1.35	.15
Helena and Park City.....	\$1.75	\$1.50	.25
Helena and Sappington.....	\$1.10	\$.85	.25
Helena and Ravalli.....	\$1.50	\$1.10	.40
Helena and Willow Creek.....	\$1.10	\$.85	.25
Missoula and Livingston.....	\$2.00	\$1.60	.40
Missoula and Twin Bridges.....	\$1.50	\$1.20	.30
Missoula and Thompson Falls.....	\$1.00	\$.85	.15
Park City and Marysville.....	\$2.00	\$1.60	.40
Park City and Townsend.....	\$1.60	\$1.20	.40
Park City and Rimini.....	\$2.00	\$1.50	.50
Park City and Whitehall.....	\$1.70	\$1.20	.50
Philipsburg and Victor.....	\$1.15	\$1.00	.15

CHECKING OF TARIFFS: CHANGES IN RATES.

The same rule has been adopted by the Board with reference to changes in express rates, rules and regulations as exists for changes in tariffs of the railroad companies, i. e., they cannot be made without first receiving the authorization of the Commission. Before making changes of any character in the existing tariffs, therefore, the express companies submit to the Board the proposed changes. These are carefully gone over by the Commission, in each case, and through this method of handling many discrepancies have been found in the existing rates. In these instances, the express companies, have, without exception, complied with the views of the Board as to the proper rates to govern, and many reductions in the rates have resulted.

ORGANIZATION OF CONTINENTAL EXPRESS CO.

Effective June 1, 1908, agreement was consummated between the Chicago, Milwaukee & St. Paul Railway Company, and the Continental

Express Company, under the terms of which the latter company is organized to handle express traffic on the new lines of the Chicago, Milwaukee & St. Paul Railway Company.

This new express company has filed with the Board many of its tariffs covering rates, rules and regulations, each of which has been carefully checked by the Commission with a view to having the rates no higher than the existing rates of other express companies in the State.

CONTEMPLATED REDUCTION IN EXPRESS RATES.

The Board has had under consideration for some time the question of the reasonableness of existing rates of the express companies, with a view to making reductions in the same. It is proposed to hold a hearing on the subject in the near future, at which time the matter will be gone into thoroughly.

MONTHLY BULLETINS.

Beginning with May 1st, 1908, the Commission has issued regularly, the first of each month, a Bulletin showing changes authorized in intrastate freight rates for the preceding thirty days. These Bulletins, copies of which follow, are sent free of charge to any address upon application to this Department.

May 1, 1908.

GREAT NORTHERN RAILWAY CO.

Amendment 19 to G. F. O. 18151, Mont. R. C. No. 26.

Cancellation of Class "D" rating on live stock; lower or the same rates now provided in G. F. O. 18652, Mont. R. C. 89.

G. F. O. 18652, Mont. R. C. 89.

Distance tariff on live stock—rates reduced.

Amendment 20 to G. F. O. 18151, Mont. R. C. 26.

Hay, Stockett and Sand Coulee to Butte, 15c—reduction.

Amendment 2 to G. F. O. 19076, Mont. R. C. 73.

Sawdust added to list of commodities subject to lumber rates—reduction.

Amendment 18 to G. F. O. 18163, Mont. R. C. 27.

Ore, Butte to Helena when valued at \$35.00 per ton, rate \$1.00 per ton. When valued at \$100.00 per ton, rate \$1.30 per ton.

G. F. O. 19260, Mont. R. C. No. 90.

Regulations to prevent overloading of cars.

G. F. O. 19231, Mont. R. C. No. 80.

Regulations governing absorption of switching charges on competitive traffic.

NORTHERN PACIFIC RAILWAY CO.

Amendment 1 to 24319, Mont. R. C. 114.

Alteration of rule for minimum weight on lumber loaded on flat cars; also rule for ascertaining cubical capacity of cars.

Amendment 1 to 24556.

Same as amendment 1 to 24319.

24735, Mont. R. C. 138.

Ore from Queen Siding to Butte, \$1.25 per ton—reduction.

Supplement 10 to 22803, Mont. R. C. 51.

Coal and coke Red Lodge, etc., to Hysham, \$1.65 per ton—reduction.

Regulations for transportation of high explosives.

Supplement 11 to 21637, Mont. R. C. 39.

Cancellation of ore rates from Mill Creek to East Helena—station abandoned.

Supplement 3 to 22490, Mont. R. C. 49.

Establishment of distributing rates from Forsyth—reduction.

BUTTE, ANACONDA & PACIFIC RAILWAY CO.

Amendment 22 to Local Freight Tariff 5, Mont. R. C. 2.

Beer, Butte to Anaconda, 12c—reduction.

OREGON SHORT LINE RAILROAD CO.

Circular 2748-A, Mont. R. C. 29.

Complete list of stations.

CHICAGO, MILWAUKEE & ST. PAUL RY.

P. C. L. 10-A, Mont. R. C. 17.

Switching at Miles City—new tariff.

P. C. L. 2-A.

Proportional lumber rates Lombard to C. M. & St. P. stations—new tariff.

G. F. D. 8, Mont. R. C. 12.

Distance tariff on brick, building and paving blocks. (Cement or Concrete) clay, sand, stone or granite—new tariff.

G. F. D. 5127 E, Mont. R. C. 16.

Mileage allowances on private line cars.

Station List No. 11, Mont. R. C. 15.

Stations on C., M. & St. P. new lines.

June 1st, 1908.

NORTHERN PACIFIC RAILWAY CO.

Supplement 11 to 22803, Mont. R. C. 51.

Coke, Electric to Anaconda, \$1.60 per ton. Reduction from 1.75.

Supplement 21 to 17502, Mont. R. C. 26.

Ore, Austin to Butte and Anaconda—reduction.

No. 24439, Mont. R. C. 141.

Commodity rates between various Montana stations.

GREAT NORTHERN RAILWAY CO.

Amendment 22 to 18151, Mont. R. C. 26.

Grain and Grain Products, Great Falls to various Montana stations—reductions; also lime, Brown's Spur to Black Eagle—reduction.

BUTTE, ANACONDA & PACIFIC RAILWAY CO.

OREGON SHORT LINE RAILROAD CO.

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

CHICAGO, MILWAUKEE & ST. PAUL RY.

YELLOWSTONE PARK RAILROAD CO.

No changes.

July 1, 1908.

BUTTE, ANACONDA & PACIFIC RAILWAY CO.

Amendment 23 to Mont. R. C. No. 2.

Local Freight Tariff No. 5. Locomotives and tenders between Butte and Anaconda—reduction.

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

G. F. O. 1838-G, Mont. R. C. N. 33.

Class rates from Billings to stations in Montana and Wyoming—reductions.

G. F. O. 3457-A, Mont. R. C.

Miscellaneous General Rules, affecting freight traffic.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY CO.

P. C. L. No. 15-A, Mont. R. C. No. 21.

Storage charges at Forsyth, Miles City, and Terry. New Tariff.

GREAT NORTHERN RAILWAY CO.

G. F. O. 18938, Mont. R. C. No. 68.

Switching charges at Montana stations.

Amendment 2 to G. F. O. 17351, Mont. R. C. No. 13.

Exempts company from liability on perishable freight held for disposition.

Amendment 24 to G. F. O. 18151, Mont. R. C. No. 26, Potatoes from Belt to Butte—reduction.

Amendment 3 to G. F. O. 19076, Mont. R. C. No. 73.

Lumber, Athens to Kalispell—reduction.

NORTHERN PACIFIC RAILWAY CO.

Supplement 22 to N. P. 17502, Mont. R. C. No. 26.

Copper ore, Lo Lo to Butte—reduction.

Northern Pacific No. 24903, Mont. R. C. No. 142.

Lignite coal, Joppa to various Montana points. Reduction in rate to Hysham.

OREGON SHORT LINE RAILROAD CO.

Supplement 1 to 3000-A. Mont. R. C. No. 27.

Exceptions to Western classifications.

August 1, 1908.

BUTTE, ANACONDA & PACIFIC RAILWAY CO.

Amendment 15 to Local Switching Tariff No. 5, Mont. R. C. No. 1.

Ice from Great Northern Railway connections, Butte Hill to the Northern Pacific Railway connection, Butte Hill, \$4.00 per car—reduction.

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

G. F. O. 4003-A. Mont. R. C. No. 34.

Demurrage and storage rates, rules and regulations.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY CO.

No changes.

GREAT NORTHERN RAILWAY CO.

Amendment 4 Cor. to 19076, Mont. R. C. No. 73.

New lumber rates from shipping stations on Great Northern Railway, to stations on Billings & Northern Railway.

G. F. O. 19764, Mont. R. C. No. 95.

Absorption of Northern Pacific Railway switching charges, Helena to Prickly Pear Junction, on competitive traffic—reduction.

Amendment 25 to G. F. O. 18151, Mont. R. C. No. 26.

Lime, C. L. Brown's Spur to Black Eagle, 16 $\frac{1}{4}$ c cwt—reduction.

Amendment 4 to G. F. O. 18938, Mont. R. C. No. 68.

Sand, Brewery Spur to Black Eagle, \$3.00 per car—reduction.

NORTHERN PACIFIC RAILWAY CO.

Supplement 8 to 23097, Mont. R. C. No. 63.

Distance shown in Supplement 5, changed to read 116 miles instead of 169 miles.

58-A. Mont. R. C. No. 144.

Logs, trainloads, Saltese and Quartz to St. Regis, \$1.00 per 1,000 feet, minimum charge \$7.50 per car—reduction.

121-A. Mont. R. C. No. 148.

Railway material Butte to Huson, Haugan, and Cyr—reduction.

87-A. Mont. R. C. No. 147.

Coal, Red Lodge to Fuller in connection with Great Northern Railway, \$2.10 per ton—reduction.

Supplement 1 to 24439, Mont. R. C. No. 141.

Rails, carloads, Billings to Hamilton, \$8.00 per ton—reduction.

OREGON SHORT LINE RAILROAD CO.

Supplement 7 to 2032-C, Mont. R. C. No. 40.

Cancellation of all rates on ore in Montana. Rates now carried in 2090-D, Mont. R. C. No. 34.

3281, Mont. R. C. No. 35.

Classes and commodities locally on O. S. L. and jointly with B. A. & P. Ry. Various reductions in class rates between Butte, Dillon, and Silver Bow, to O. S. L. and B. A. & P. Ry. stations.

2090-D, Mont. R. C. No. 34.

Joint tariff with Great Northern and Northern Pacific Railways containing all existing rates in Montana on classes and commodities.

Supplement 2 to 2074-D, Mont. R. C. 32.

Cancellation of all Montana commodity rates. Same rates now carried in tariff 3281, Mont. R. C. 35.

MILEAGE DISTANCE TARIFF.

It appearing to the Commission from investigation and comparison that mileage distance tariffs in use in the State, were too high, hearings were held on March 18th and May 5th, 1908, and the subject thoroughly gone into. The testimony offered showed that only about 8 per cent of the freight carried in the State was moved under these tariffs and as the Commission was desirous of taking such action as would be the most beneficial to the shippers of the State, it was agreed with the railroads interested to, so far as possible, eliminate the mileage distance tariffs, by replacing them with commodity tariffs covering the movement of the principal commodities in the State. The first result of this agreement is the establishment of a commodity distance tariff on wheat, corn, rye, oats, barley, corn meal, rolled oats, flour, feed, millstuffs, and potatoes, straight or mixed carloads, which will become effective about September 15th, 1908, and cause a reduction of 10 per cent for distances 5 to 100 miles; 23½ per cent 100 to 200 miles; 29 per cent 200 to 300 miles, and 35 per cent 300 to 600 miles. This will occasion a considerable saving for the shorter distances and a very material saving for the longer distances.

Below is shown a comparison of the old and new rates:

Distance	Old Rate	New Rate	Distance	Old Rate	New Rate
5 miles and under....	3	3	210 miles and under....	26	19
10 miles and under....	4	4	220 miles and under....	27	19½
15 miles and under....	5	5	230 miles and under....	28	20
20 miles and under....	6	6	240 miles and under....	29	21
25 miles and under....	6	6½	250 miles and under....	30	21½
30 miles and under....	7	7	260 miles and under....	31	22
35 miles and under....	8	7½	270 miles and under....	32	22½
40 miles and under....	9	8	280 miles and under....	33	23
45 miles and under....	9	8½	290 miles and under....	34	23½
50 miles and under....	10	9	300 miles and under....	35	24
55 miles and under....	11	9½	310 miles and under....	36	24½
60 miles and under....	11	10	320 miles and under....	36	25
65 miles and under....	12	10½	330 miles and under....	37	25
70 miles and under....	12	11	340 miles and under....	37	25½
75 miles and under....	13	11	350 miles and under....	38	26
80 miles and under....	13	11½	360 miles and under....	38	26
85 miles and under....	14	12	370 miles and under....	39	26½
90 miles and under....	14	12	380 miles and under....	39	26½
95 miles and under....	15	12½	390 miles and under....	40	27
100 miles and under....	15	12½	400 miles and under....	40	27
105 miles and under....	16	13	410 miles and under....	41	27
110 miles and under....	16	13	420 miles and under....	41	27½
115 miles and under....	17	13½	430 miles and under....	42	27½
120 miles and under....	17	14	440 miles and under....	42	27½
125 miles and under....	18	14	450 miles and under....	43	28
130 miles and under....	18	14½	460 miles and under....	43	28
135 miles and under....	19	14½	470 miles and under....	44	28
140 miles and under....	19	15	480 miles and under....	44	29
145 miles and under....	20	15	490 miles and under....	45	29
150 miles and under....	20	15½	500 miles and under....	45	29
155 miles and under....	21	16	510 miles and under....	46	29
160 miles and under....	21	16	520 miles and under....	46	29½
165 miles and under....	22	16½	530 miles and under....	47	29½
170 miles and under....	22	17	540 miles and under....	47	29½
175 miles and under....	23	17	550 miles and under....	48	29½
180 miles and under....	23	17½	560 miles and under....	48	30
185 miles and under....	24	17½	570 miles and under....	49	30
190 miles and under....	24	18	580 miles and under....	49	30
195 miles and under....	25	18	590 miles and under....	50	30
200 miles and under....	25	18	600 miles and under....	50	30

ORE RATE HEARING, PENDING.

In the ore rate matter, the Commission has not, as yet, arrived at a full conclusion, although a tariff agreeable to the shippers and fair to the railroads is under consideration. This tariff is made to cover any unusual conditions and to equalize the smelting points, putting Butte and East Helena on practically the same basis. As the matter of smelter rates is of far more importance than freight rates in the production of minerals, the competitive feature thus brought forth should prove of much value to the ore producers of the State. In addition to this there will be a very material lowering of the freight rates on ore.

LEGISLATION.

The Commission recommends the passage of suitable legislation to prohibit Railroad companies, or companies owned and controlled by, or in which Railroad companies are interested, from engaging in the wholesale or retail coal business within the State of Montana.

The railroad commission law should be so amended as to give the Commission greater power and authority in the matter of adopting and enforcing regulations respecting the carriage of freight and passengers, and matters pertaining thereto, in the conduct of the business and affairs of railroad corporations. The Commission should have full authority to make inspection of safety appliances, and to make and enforce regulations with respect thereto, to compel reports respecting the examination of the condition of boilers in use, and to make inspection thereof when deemed necessary or desirable, and to prescribe and enforce regulations with respect thereto; and also to make and enforce regulations concerning the running of trains, cars or engines for the safety of employees and the traveling public.

TRACK AND SAFETY APPLIANCE INSPECTOR.

On October 1st, 1907, the Commission created the position of Track and Safety Appliance Inspector to the department and appointed S. M. Ross, an experienced railroad man, as Inspector, at an annual salary of \$1,500.00.

The lines of all railroads operating in the state have been carefully inspected and their condition just previous to the spring floods of this year, was very satisfactory. Much work on road beds was done during 1907, and the first five months of the present year.

On report of the Inspector, the Commission has in many instances made request to the different railroad companies for the correction of improper conditions on locomotives, cars, tracks, trestles, crossings, etc., all of which requests have been promptly complied with by the railroad companies.

It is the duty of the Track and Safety Appliance Inspector to report to the Commission the violation of any state or federal law pertaining to railroads, by any common carrier operating in Montana.

The Inspector makes investigation into all wrecks and serious accidents and files a report in connection with the same with the Commission.

ACCIDENTS.

The Montana Railroad Commission Law makes certain requirements with reference to the reporting and investigation of accidents occurring in the operation of railroads within the state.

Under regulation of the Commission, Railway Companies are required to give telegraphic notification of all accidents covered by the law, within one hour after the occurrence of same, if possible.

The telegraphic notification of an accident is followed by a detailed daily report made out upon a form furnished by the Commission; at the end of each month all Railway Companies in Montana file a monthly or recapitulatory report, also upon this Department's form, showing the accidents occurring during the month.

The telegraphic notifications and daily reports of accidents are copied into books provided for the purpose making a complete, permanent history of every accident.

A card index shows at a glance the name of every person injured, upon what road and other details.

The following recapitulation of accidents covers the period between March, 1907 and July 1st, 1908:

Name of Railroad	Empl's killed	Empl's injured	Pasgrs killed	Pasgrs injured	Others killed	Others injured
Northern Pacific Ry.	35	202	1	88	45	55
Great Northern Ry.	16	549	1	66	16	13
Montana Railroad	1	9	0	0	2	0
Chicago, Burl. & Quincy Ry. ...	1	2	0	0	1	0
Chicago, Mil. & St. Paul Ry. ...	2	4	0	0	0	0
Oregon Short Line R. R.	0	1	0	0	2	1
Butte, Anaconda & Pacific Ry. ...	1	16	0	0	5	2
Yellowstone Park R. R.	1	1	0	0	0	1
Grand Totals	57	784	2	154	71	72

Total killed on all Railroads in Montana..... 130
Total injured on all Railroads in Montana 1,010

Of those listed as injured, it is safe to say that fully fifty per cent. are accidents of a very slight nature, "cinder in eye," "sprains," "abrasions," etc.

It will be noted that for the entire period of sixteen months covered by the above figures, but two passengers were killed by the railroads in Montana; certainly a wonderful record.

Under the heading of "others killed" and "others injured" the greater number so listed were trespassers upon right of way and trains.

The Commission has investigated a number of wrecks, personally but owing to the great distances across our state it is often impossible to reach the scene of a wreck until after all evidence in connection with the same has been cleared away.

FINANCIAL ACCOUNT

The Montana Railroad Commission law carried with it an appropriation of \$50,000.00 for the years 1907 and 1908. Below will be found a statement, segregated into certain divisions, showing total amount expended to July 31st, 1908, together with balance of appropriation unexpended.

From the appropriation there have been paid all expenses of the Commission, including office equipment purchased, printing, supplies, travelling expense, postage, express and telegraph charges.

Appropriation under the law, for 1907 and 1908.....	\$50,000.00
Salaries, Commissioners and Employes	\$25,649.33
Supplies, freight, postage, etc.	\$ 2,791.71
Furniture and Fixtures	\$ 726.37
Expenses of Hearings	\$ 854.63
Traveling Exp., Commissioners and Employes. \$	1,850.29
	<hr/> 31,872.33

Balance of Appropriation, July 31st, 1908..... \$18,127.47

Helena, Montana, July 31st, 1908.

This is to certify that the total of all warrants issued against the appropriation for the Railroad Commission, to and including July 31st, is \$31,872.33.

(Signed)

H. R. CUNNINGHAM, State Auditor.

OPINIONS BY THE ATTORNEY GENERAL

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, April 6, 1907.

To the Board of Railroad Commissioners, Helena, Montana:

Gentlemen:—I am in receipt of your favor of the 4th inst., presenting for decision by this office the following question, to-wit:

“Is the item of \$1,000.00 mentioned in Section 8, an item chargeable out of the sum appropriated in Section 36, or is it an extra item allowed the Board in addition to the State appropriation mentioned in Section 36?”

In answer to this question you are advised that the \$1,000.00 mentioned in Section 8 of the law does not constitute an appropriation of State Funds for the purpose therein mentioned in addition to the \$50,000.00 which is appropriated by Section 36. It is rather a limitation of the amount which you are permitted to use for the purposes specified in Section 8, but when such items are allowed and paid by the State they will have to be paid from the appropriation made for your two years' maintenance in Section 36 of the law.

It is provided in the Constitution by Section 34 of Article V, that “No money shall be paid out of the Treasury except upon appropriations made by law, and on warrant drawn a proper officer in pursuance thereof, except interest on the public debt.” And, further, by the provisions of Section 12, Art. XII, the appropriation of public moneys is prohibited for a period longer than two years.

It will therefore be readily seen and understood by you that Section 8 cannot have the force and effect of appropriating anything additional to the amount appropriated by Section 36 of the law.

Respectfully submitted,

(Signed) ALBERT J. GALEN,

Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, April 11, 1907.

Board of Railroad Commissioners, Helena, Montana:

Gentlemen:—I am in receipt of your favor of the 4th inst. presenting for decision by this office the following question:

Has the Board of Railroad Commissioners under the provisions of Section 19 of the law (Chap. 37, laws 1907), power to compel a railroad company to make regular stops with its passenger trains at stations where their regular schedule does not provide for stoppage at said station, provided, in the judgment of the Board such stoppage is deemed necessary for the reasonable accommodation of the public?

In answer you are advised that the Board has such power, if after investigation it is found that the railroad company is guilty of discrimination, or instances where no sufficient or adequate train service and accommodations are furnished to the inhabitants of such stations and the traveling public.

Prentice & Egan Commerce Clause of the Fed. Const. P. 184.

Statutes have been passed in several states compelling railway companies to stop their regular passenger trains at county seats, and such statutes have been held valid and constitutional by the court.

Chicago & A. Ry. Co. vs. People, 105 Ill. 657; 143 Ill. 434.

R. R.. Co. vs. State, 8 Ohio C. C. Rep. 220.

State vs. Gladson, 57 Minn. 385.

This last named case, under title of Gladson vs. Minnesota, was affirmed in 166 U. S. 427.

Our opinion is that if the legislature may pass such laws, that a railway commission, by virtue of the police powers of the State, may also make the needed regulations along the same general lines.

However, the Supreme Court of the United States, December 3rd, 1906, decided that the Mississippi Railroad Commission had no authority to require a railway company to stop its interstate mail trains at specified county seat where proper and adequate facilities are otherwise afforded that station. This opinion is a very interesting and instructive one, but the court practically decides that each case should be decided upon the facts involved in the particular case presented. And there is also a suggestion quoted therein from the Circuit Court of Appeals, that instead of ordering mail trains engaged in interstate commerce to stop, that probably the commission could have ordered more trains to run if the evidence showed lack of accommodations.

Miss. R. R. Com. vs. Ill. C. R. Co., 27 Sup. Ct. Rep. p. 90.

Respectfully submitted,

(Signed) ALBERT J. GALEN,
Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, April 11, 1907.

Board of Railroad Commissioners, Helena, Montana:

Gentlemen:—I am in receipt of your favor of the 4th inst. presenting for decision by this office the following question:

Does the mandatory investigation required by Section 16-A of the Railroad Commission Law make it obligatory upon the Board or some member thereof to make personal investigation at the scene of the accident as soon as possible after the Board shall have received notice from the railroad people of an accident, or is it optional with the Board to make subsequent investigation by subpoenaing witnesses and taking testimony at such subsequent hearing?

We answer that you undoubtedly have the power and authority to proceed and investigate as above suggested. However, your good judgment and discretion will no doubt prompt you to first attend to the more important matters pertaining to the law and your duty thereunder, such as the fixing of rates, providing against unjust discrimination as to localities or persons, investigating shortage of the car supply, inadequate service and other matters of importance to the people, rather than employing all the time of your members, collectively or individually, in the personal investigation or accidents where little benefit or assistance will result in comparison with other work required to be done under the Act. Again, in many instances a personal visit to the scene of the wreck would be fruitless of results.

You are advised therefore that you may by subpoena require witnesses to be present at your offices and testify as to the facts when there has been an accident such as is described in said section, and that you may depute one of your number to hear such evidence, have same transcribed and filed in your office, or adopt such other suitable method to obtain the evidence and information required as will best secure satisfactory results, expedite matters and subserve your purposes.

I will be glad to assist you in this work in person, or by one of my assistants, whenever you may deem a matter of sufficient importance to require our presence.

Respectfully submitted,

(Signed) ALBERT J. GALEN,

Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, June 3rd, 1907.

State Board of Railroad Commissioners, Helena, Montana:

Gentlemen: I have your request for an opinion, reading as follows:

"Will you please inform the Board of Railroad Commissioners whether that portion of Section 14, of the Railroad Commission Law of Montana, which provides that rates, etc., fixed by the Board shall become effective twenty days, etc., is effected by that portion of the Federal Law as shown in Section 12, Interstate Commerce Commission Tariff Circular No. 10A, a copy of which accompanies this request."

You will note that Section 14 to which you refer provides that the classification and rates fixed by the Board shall become effective twenty days after the railroad effected thereby shall have received certified notice thereof from the Board. Tariff Circular No. 10A., in making reference to a thirty day provision, complies with the law as laid down in Section 6 of the Interstate Commerce Act, as amended June 29th, 1906. You will note that the Interstate Commerce Act, providing for a thirty day provision, refers to changes made in rates, fares and other charges fixed, made or changed by a common carrier, while our State law above mentioned refers only to the time when tariffs, schedules and rates shall go into effect when fixed or changed by the Railroad Commission of the State of Montana.

For this and other reasons I advise that there is no conflict in the State and National Provisions of law relative to the time when the rates or tariffs are to go into effect.

Respectfully submitted,

(Signed) ALBERT J. GALEN,

Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, August 14, 1907.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—I am in receipt of your favor of the 13th inst., asking the opinion of this office with respect to your power and authority under the law to modify and establish rates of any character locally within the State without giving the notice prescribed by law. In this connection you state that it will be to the great benefit and advantage of the people, and make more effective your work, if such delay can be obviated and emergency tariffs be put into effect by your order at once.

In answering this question we are required to turn to Section 15 of the Railroad Commission Law (Chap. 37, Laws 1907, page 68) and endeavor to interpret and construe the meaning, intent, and purpose thereof.

By said section it is provided that the Board shall have the power from time to time to change, alter, amend or abolish any classification or rate established by it, when deemed necessary. And further, that such action on the part of the Board shall be "put into effect in the same manner as original classifications or rates." Ordinary classifications or rates are put into effect as provided by Section 14 of the Act, and by said section it is required that notice be given and published both of the intent of the Board to finally fix and decide the rates and classifications, and the date of taking effect of the rates established by the Board. The notice provided for in this section is a matter of personal privilege to the railroad companies and certainly can be by them waived. But unless the company were willing to waive such notice, and acquiesce in your order modifying rates regularly established and effective, it would be necessary for you to pursue the procedure outlined in said Section 14 in order to alter or amend a rate or classification. Now, again reverting to the language used in Section 15 of the Act, "the original classifications or rates" are by you put into effect by virtue of your formal order fixing the rates. And while it is true that your order is not effective, so far as the railroad company effected is concerned, unless you have followed the procedure outlined in Section 14, still, if the railroad company waives notice and agrees to your order, there can be no question as to your right to make supplemental orders amending or changing the rates or classifications by you originally established to meet emergency cases of the character of which you make reference.

Respectfully submitted,

(Signed) ALBERT J. GALEN,

Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, Nov. 8, 1907.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—Your letter of the 7th, inst. received, asking for advice as to whether or not a railroad company, (to-wit, the Northern Pacific) operating wholly or in part within the State of Montana can:

(1) As a railroad regulation, or in any other way, collect from passengers on its trains who tender cash fare for their passage, the sum of ten cents on each fare of two dollars and under, and twenty-five cents on each fare over that amount, which penalty sum is refunded at any ticket office of the company upon presentation of the conductor's slip showing that it has been paid?

(2) Can a railroad company refuse to pay this amount if the claim is not presented within thirty days?

(1) The Constitution of Montana in paragraph 5 of Art. XV, has given the legislature power over railroads in the control of their rates. The legislature in the exercise of that power has limited the charge on railroads for passengers of three cents per mile, and that no excess greater than ten cents is to be charged or collected from any passenger with promise of refund of the same. Hence, it follows that the charge of ten cents is exclusive, and that a demand for any greater sum would be a violation of the law referred to.

Session Laws 1905, pages 181 and 182.

The legislature has further within its power established a railroad commission, giving it power to establish rules and regulations dealing with the passenger and freight trains of railway companies operating wholly or in part within the State of Montana.

Session Laws 1907, pages 68-86, inclusive.

That Commission has passed a rule or regulation whereby no railroad company can issue a tariff or change one covering either passenger or freight rates without its permission. Hence, a proposed change, if without their authorization, would be a violation of that board's rules and regulations, as well as the law referred to.

(2) The rule of the railroad companies requiring rebate checks or slips to be presented to the company within thirty days has been in effect for some time and was adopted by your body at its meeting, fixing the rates, held on July 25, 1907. Hence, it can only be changed by you in the manner required by law or your practice. Railways may make such regulations and rules for the management of their business as are not in violation of the law and are reasonable.

Sec. 894, par. 10 and 11, Civ. Code, Mont.

See also 6 Cyc. 545, and cases cited.

There is nothing in the law which forbids a railway company requiring claims of this kind to be presented within a reasonable time and requiring it as a reasonable regulation,

1. Elliott on Railroads, Sec. 200,

4. Elliott on Railroads, Sec. 603, and cases cited,

6. Cyc. 548, and cases cited.

In my opinion, the rule, requiring such claims to be presented within thirty days is a reasonable regulation; provided, that the railroad company furnishes ample opportunity for the holder of any rebate slip or check to present the same for payment.

Very truly yours,

(Signed) ALBERT J. GALEN,

Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, Nov. 8, 1907.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—I am in receipt of your favor of the 7th inst., asking for opinion of this office as to whether you have the authority to compel the Northern Pacific Railway Company to furnish coal cars for use on the Yellowstone Park Railroad. It further appears from your letter that this Yellowstone Park Railroad is an independent line of road not owned or operated by the Northern Pacific Railway, and extends from the Bear Creek Coal Mines to Bridger, Montana, at which latter point it forms a junction with the Northern Pacific Railway.

You are advised that one common carrier cannot be compelled to furnish rolling stock or equipment for the use of another carrier, either public or private, unless by virtue of some contract or agreement between the two carriers. You therefore have no authority to compel the Northern Pacific Railway to furnish cars or other equipment on an independent line of road for the purpose of facilitating the conduct of business on and over such independent line. The way to deal with the situation presented would seem to be by regulation and order directed to the Yellowstone Park Railroad.

Yours very truly,

(Signed) ALBERT J. GALEN,
Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, Jan. 17, 1908.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—We have your letter of January 17th, with regard to the complaint made by Hon. Joseph Corby, Mayor of the City of Butte, regarding the condition of the Northern Pacific viaduct at Harrison Avenue, Butte, Montana.

In reply we beg to advise you that the jurisdiction of your Board is stated, generally, in Section 11, House Bill No. 1, enacted by the Tenth Legislative Assembly of the State of Montana, to quote:

“The provisions of this Act shall apply to the transportation of passengers and property between points within this state,” etc.

Further, it appears that the term “transportation” is defined by the same section of the act referred to: “the term ‘transportation’ shall include all *instrumentalities* of shipment or carriage.” This, we take it, gives your Board jurisdiction over tracks, trestles, bridges and viaducts, when it appears that their condition is unsafe for the transportation of passengers or property. But from a careful perusal of your correspondence files, transmitted with your letter, we find that there is a question as to whether the alleged unsafe

condition of the Harrison Avenue viaduct results to the public using said highway or to the public traveling by rail. It further appears that there is an agreement or contract now existing between the Northern Pacific Railway Company and the proper authorities of the city of Butte concerning the kind of structure to be placed and maintained at the points mentioned, and we believe, in view of these facts, that the adjustment of this matter should properly be left to the City Council and officers of the City of Butte and the Northern Pacific Railway Company.

We therefore advise you that, in our opinion the Board should not at this time entertain the complaint made by the Mayor of the City of Butte.

Very truly yours,

(Signed) ALBERT J. GALEN,
Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, January 24, 1908.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—I have your letter of January 16th, 1908, together with copy of letter from C. A. Spaulding with reference to excess on cash fare paid by Mr. Spaulding between Butte and Helena on the Great Northern Railway.

After consulting your files, particularly with reference to the adoption of the passenger tariffs submitted by the Great Northern Railway Company, I find that the charge is entirely in conformity with such passenger tariffs as adopted by you. The particular law to which your letter refers (Chap. 87 of the Acts of 1905) seems to be somewhat ambiguous with regard to the excess fare of ten cents collected from passengers, "with promise of rebate or refund of such excess." I think the tariff with regard to this particular, as accepted by the Railroad Commission should rule, and I advise that the Board do not entertain the complaint made by Mr. Spaulding for refund.

Very truly yours,

(Signed) ALBERT J. GALEN,
Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, January 24, 1908.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—I have your letter of January 22nd, 1908, asking my advice as to whether a member of your commission or an employee thereof can be subpoenaed as a witness in a damage suit brought against a railroad company operating within the State of Montana. I beg to advise you that

a subpoena of a court must be obeyed by the members of the board and the employees thereof, but I take it that you are inquiring particularly as to whether the members of the board and employees would be required to answer questions in their examination upon the witness stand concerning matters which may have been divulged to them in confidence. As to the right of the board or its employees in that matter; that is, concerning testimony which might be privileged, I cannot assume to advise you further than that counsel in any particular case would protect you, and before going to testify, if you know the nature of the testimony which you are expected to give, I should be very glad to advise you as to whether you may invoke your right, which is the same as that of any other witness in regard to confidential or privileged communications.

Very truly yours,

(Signed) ALBERT J. GALEN,
Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, March 13, 1908.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—I am in receipt of your favor of the 9th inst., respecting your determination to modify your rates heretofore established and promulgated with respect to cash fares paid by passengers on the train in instances where they have not procured a ticket. In this connection you make inquiry as to whether or not, if the commission were to so change this tariff as to permit the collection of twenty-five cents instead of ten cents, where the amount of fare collected is two dollars, or over, the provisions of Chap. 87, Laws of 1905, would intervene so as to prevent the commission taking such action.

If said Chapter 87, Laws of 1905, is not unconstitutional, it is amended by implication by virtue of Chapter 37, Laws of 1907, creating the Railroad Commission of Montana, and conferring upon it power and authority to fix, establish and classify rates for the carriage of freight and passengers. Accordingly, you are advised that there is no objection to your making this change.

Very truly yours,

(Signed) ALBERT J. GALEN,
Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, April 24, 1908.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—I have your letter of April 9th, in which you request an opinion as to your authority in the matter of the application of the Billings Chamber of Commerce for a change of line on the C., B. & Q. R. R. between Toluca, Montana and Scribner, Montana. In reply thereto I advise you that your authority does not extend to the arbitrary fixing a line of construction. That is a matter which of course, is entirely within the province of the railway companies. However, if the company is desirous of making the change, suggested by the Billings Chamber of Commerce you may indicate to them as well as to the Secretary of the Billings Chamber of Commerce that authority to make the change if requested would be readily granted I do not see though that the Railway Company need to have authority from the Commission to abandon any or all of their line and construct a new line along a different route.

Yours very truly,

(Signed) ALBERT J. GALEN,

Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, May 8, 1908.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—Your letter dated May 2nd, 1908, directing me to institute proceedings against the Northern Pacific Railway Company for violation of an order made by you April 15, 1908, and effective May 1st, 1908, requiring said railway company to discontinue its practice of "backing" Class Z engines from Blossburg to Helena, has had my careful attention, and before commencing action in compliance with your respect therein contained, I desire to lay before you the result of my investigation of the law covering the matter. The proceedings desired by you is the prosecution of the railway company for the violation of an order of the board made in pursuance of the powers delegated to your board by House Bill No. 1, Tenth Legislative Assembly, Laws 1907, page 68. The particular section under which the order is made seems to be Section 16 of said law. This section of the law as it passed the House and was sent to the Senate read in part as follows:

"The Board shall have the general supervision of all railroads, express companies, car companies, sleeping car companies, freight and freight line companies, and any common carrier engaged in the transportation of passengers or property in this state. * * *

On February 18, 1907, as appears from the Senate Journal, the Senate adopted an amendment to said section as follows:

“Amend Section 16 on page 8 by inserting after the words, “The State” in line 165 the following: ‘In all matters appertaining to the duty of said Board and within its power and authority under the provisions of this Act.’ ”

You will note at this juncture that the insertion of the added words “in all matters,” etc., were to follow the words “this State” and therefore *preceded* the period then following the words “this state”. After the adoption of this amendment the law, so far as this section is concerned, reads as follows:

“The Board shall have the general supervision of all railroads * * * and any common carrier engaged in the transportation of passengers or property in this State. In all matters appertaining to the duty of said Board and within its power and authority under the provisions of this Act.”

and it was in this form that this section was finally passed by the house and became a law. However, an examination of the enrolled copy on file in the office of Secretary of State shows a period after the words “this State” and the amendment referred to above begins with a capital letter. Reading the amendment as shown in the enrolled copy it is impossible to make sense of it. I give it to you as my opinion that the Supreme Court of this State, if asked to interpret this particular section would preserve its sense and thereby save its effectiveness, even at the sacrifice of the punctuation marks appearing in the enrolled bill, and to preserve the effect of the amendment it is necessary to read it as it was introduced and adopted in the Senate; that is, without any punctuation mark after the words “this State.”

State vs. Pilgrim, 17 Mont. 311.

Mut. Co-op. Inc. Co. vs. Meyers, 77 Pac. 628; 10 Idaho 294.

State vs. Denel, 66 Pac. 1037; 63 Kan. 811.

If my view of the interpretation which would be placed upon this section is correct, then the “general supervision” given you over railroads is only “in matters appertaining to the duty of said board and within its *power* and *authority* under the provisions of this Act.” Therefore we would have to look to the remainder of this bill, as passed, to find what is “the duty of said Board and within its power and authority under the provisions of this Act.”

After a very careful examination of the law creating and establishing your Board and defining your powers and duties I am unable to find any section or clause upon which to predicate your supervision or control in any measure of the operation of railroads except in so far as you are given power by Section 19, which reads as follows:

“The Board shall have the power, and it shall be its duty, to compel any and all railroads subject hereto, to provide, maintain and operate sufficient train service, both freight and passenger for the proper and

reasonable accommodation of the public, and to provide and maintain suitable waiting rooms for passengers, and suitable rooms for freight and baggage at all stations."

I therefore advise you that in my opinion it will be extremely difficult to bring to a successful determination any proceeding brought for a violation of the order above referred to.

However, if notwithstanding my decision in the matter you desire a judicial determination of your powers along these lines, I am willing to proceed to have the matter adjudicated.

Very truly yours,

(Signed) ALBERT J. GALEN,
Attorney General.

DEPARTMENT OF ATTORNEY GENERAL.

Helena, Montana, July 6, 1908.

The Railroad Commission of Montana, Helena, Montana:

Gentlemen:—I am in receipt of your letter of the 24th ult., submitting for the consideration of this office the following question:

"Has the Railroad Commission of Montana the authority to prohibit and prevent the Great Northern Railway Company from tearing up its track between Lakeview and Marion, in Flathead County Montana."

You also transmit with your letter a transcript of the testimony taken at the hearing by the Commission in December, 1907, at Kalispell, Montana; also a copy of telegram received by you bearing date June 21, 1908, as follows:

"The Great Northern is now tearing up track between Lakeview and Marion. In behalf of thirty-four resident freeholders effected thereby, we ask that you immediately ask this action stopped."

I have heretofore expressed to you my opinion to the effect that the Commission had no authority in the premises.

The question submitted is largely dependent upon the facts, but the following authorities may have some bearing upon the question.

Sec. 898 Civil Code.

State ex rel. Knight vs. Helena Power & Light Co., 22 Mont. 391.

Chap. 37, Sess. Laws 1907, and particularly Sec. 19, considered in connection with the other sections of said chapter conferring power on the commission.

It appears from the records submitted with your request that in November, 1907, a verified complaint was filed with the commission containing seventeen separate specifications of charges against the Great Northern Railway Company.

Specification No. 9 of this complaint relates to the operation of the Great Northern Railway from Marion eastward through Pleasant Valley to Lakeview. Said Specification No. 9 stating:

"A large number of people live along the line of the said railway west of Marion and they are denied any railroad facilities for the transportation of themselves or their freight; that a still larger number would live out there if railroad facilities were afforded them; that the Great Northern Railway tore down all its stations at the above points on this old main line when the road was changed, and at the places where said train now stops there are no accommodations whatever for passengers or freight, and it is reported that the Great Northern is going to take up this track."

The intention of the railroad to take up this track was known at the time this charge was made. Specification No. 12 of this complaint is to the effect that at certain points there are no accommodations or insufficient accommodations for passengers or for handling freight, and Lakeview and Marion are named as two of these places.

A public hearing was by the Commission had on all of the charges contained in the complaint in December, 1907, at Kalispell, Montana. At that hearing when Specification No. 9 was read counsel for complainant stated:

"I will say that as to No. 9, unfortunately for the general public, the witnesses we expected to bring from Pleasant Valley have, I believe, with one exception, refused to come,—maybe two exceptions,—for the reason that they say they have settled with the Great Northern Railway Company for damages for the failure to run these trains, and they signed some sort of an agreement whereby they were not sued for it. * * *

Thereafter in March, 1908, the Railroad Commission made its findings respecting the charges contained in the complaint, and regarding said Specification No. 9 the Board said:

"No evidence having been submitted with respect to this charge * * * therefore this complaint is ordered dismissed."

The Board further found regarding Specification 12, and Specification 13:

"Both of these charges having been formally withdrawn by the complainants by statement in writing are therefore hereby ordered dismissed from further consideration."

If at the hearing of the complaint involving the charge stated in the telegram, no evidence was produced because the people living in the vicinity had "settled with the railway company for damages for failure to run these trains" these findings made by the Board are either to be regarded by the commission as *res adjudicata* or else another hearing should be had.

However, it appears that the main line of the Great Northern Railway Company formerly extended from Columbia Falls, Montana, through Marion.

Pleasant Valley and Lakeview and on to Jennings, but that prior to the enactment of said Chap. 37, Laws 1907, creating the Railroad Commission, the railroad company changed the grade and location of its main track by leaving the old track at a point near Columbia Falls; thence westward to the Kootenai River; thence south to Jennings, leaving Marion, Pleasant Valley and Lakeview off the main line. The old track was then taken up from Jennings eastward to a point a short distance west of Lakeview and all through trains were run over the new track by way of Whitefish and Shields; thence down the Kootenai River to Jennings. No regular train service was maintained on the old track to Lakeview or Pleasant Valley, or to any points, at least, west of Marion though trains were occasionally run there for special purposes. The company had in fact abandoned this part of the old track. No stations were ever established or maintained at either Marion or Pleasant Valley. All this occurred prior to the enactment of the law creating the Railroad Commission and such law is not retroactive.

Under this state of facts you are advised that the Railroad Commission of Montana is not vested with power and authority to grant the relief demanded as expressed in the question submitted and contained in the telegram above quoted.

Very truly yours,

(Signed) ALBERT J. GALEN,
Attorney General.

LEGAL ACTIONS BROUGHT BY THE COMMISSION.

Under Section 20 of the Act establishing and creating a Board of Railroad Commissioners for the State of Montana, the Attorney General is constituted the attorney and counselor of the Board; and, under Section 24 of the same Act, it is made the duty of the Attorney General, or any County Attorney, to enforce by equitable action, the rates, classifications, rulings orders and regulations made or established by the Commission.

While the Commission has, during the past fifteen months, promulgated a great many rates and classifications, and made numerous orders and regulations for the conduct of the different departments of the railroad business, it has been unnecessary, except in a very few cases, for the Commission to resort to the Courts to secure an enforcement of these orders. The only action which the Commission has felt itself called upon to direct the Attorney General to institute suit, was in the matter of the order issued April 15th, 1908, directing the Northern Pacific Railway Company to turn its Class "Z" helper engines at Blossburg, Montana, and run them into Helena going forward; the Railroad Company having refused to abide by this order, basing their refusal upon a lack of jurisdiction in the Board. Suit was commenced at the direction of the Commission to obtain an injunction, preventing the backing of these engines into Helena. This suit was instituted and tried before the District Court of the First Judicial District, Judge Bach presiding, and this Court refused to issue the injunction. No appeal has, as yet, been taken to the Supreme Court, but the question of the validity of the order will be finally determined there.

The Commission was also instrumental in procuring evidence and beginning proceedings against the Northern Pacific Railway Company, for a violation of the State law providing for the hours of employment of trainmen and operators, commonly known as the "Sixteen Hour Law." This case was tried in the District Court of the First Judicial District, before Judge Clements, which trial resulted in the conviction of the Railway Company, and the imposition of the fine. Upon an appeal being taken to the Supreme Court of the State of Montana, the judgment of the lower court was affirmed, and the fine was paid by the Railway Company.

Under direction of the Commission, the Attorney General prepared an information and filed the same in the District Court of Chouteau County, charging the Great Northern Railway Company with the violation of what is known as the "Dinky Caboose Law." The Commission later advised the Attorney General that subsequent to the filing of the information, the Railway Company, as rapidly as possible, substituted standard cabooses, and was complying with the law by making the change as early as practicable. Upon this notification, the Attorney General directed the County Attorney of Chouteau County to dismiss the criminal information filed against the Great Northern Railway Company.

However, of the multitude of tariffs, classifications, orders, rules and regulations made, adopted and promulgated by the Commission, the railway companies have not seen fit to contest others than those herein mentioned. In those instances where it was possible, it has been the policy of the Commission to meet with complainants and the representatives of the railroad companies in informal conference, and having thus gained knowledge of all the facts, the Commission has usually been in a position to promulgate orders so reasonable in their character as to meet with the entire approval of the public interested, and yet afford no grounds for successful contest by the railway companies.

RAILROAD COMMISSION MAP OF MONTANA.

The Commission has recently published and now has ready for distribution, a new map of Montana, 34x53 inches in size, printed in colors and showing, in addition to all postoffices and stations in the state, all recent railroad construction.

This is the only complete up-to-date map of Montana that has been published during the past ten years and will prove of much interest to our citizens as well as to residents of other states, who are interested in Montana. Copies of the map are mailed free, upon application to the Commission.

REPORTING OF DELAYED PASSENGER TRAINS.

The Commission early received many verbal and two written complaints with reference to the reporting of delayed passenger trains; in fact it appeared that this was one of the greatest grievances that the people had against the Railway Companies, judging from expressions upon the subject made to the Commission.

Under date of October 9th, 1907, the Commission issued an order (see Order No. 2) requiring that delayed passenger trains be correctly reported and since that time the service has been greatly improved.

ESTIMATED LOSSES SUSTAINED BY RAILROAD COMPANIES IN MONTANA AS A RESULT OF FLOODS, SPRING OF 1908.

During the months of May and June, 1908, the unprecedented rainfall in Montana so raised the streams of the state that many new channels and courses were formed, thereby causing great loss to some of the railroad companies, through the washing away of portions of their lines.

For a period of three weeks all traffic on the Northern Pacific and Great Northern Railways was practically suspended.

Believing that the same would be of interest to citizens of the State, the Commission requested the Railway Companies operating in Montana to file figures showing as nearly as possible, the losses sustained as a result of the freshets. Data was accordingly filed by the different roads as follows, showing a total estimated loss of \$4,353,208.67.

BUTTE, ANACONDA & PACIFIC RY. CO.

Damage to track and roadway	\$6,690.55
Damage to bridges, trestles and culverts	2,159.36
Other property damaged	None
Approximate loss in revenue	5,000.00
<hr/>	
Total estimated loss	\$13,849.91

CHICAGO, BURLINGTON & QUINCY R. R. Co.

No important damage.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY.

Damage to track and roadway	\$598,000.00
Damage to bridges and trestles	96,000.00
Damage to other property	None
Loss of business small, cannot estimate amount .....	.....
<hr/>	
Total estimated loss	\$694,000.00

GREAT NORTHERN RAILWAY CO.

Damage to track and roadway	\$618,000.00
Damage to bridges and trestles	122,000.00
Other property damaged	40,000.00
Loss in transportation revenue	444,575.00
<hr/>	
Total estimated loss	\$1,224,575.00

MONTANA RAILROAD CO.

Damage to track and roadway	7,588.00
Damage to bridges and trestles	800.00
Other property damaged	not reported
Loss of revenue	3,500.00
<hr/>	
Total estimated loss	\$11,888.00

NORTHERN PACIFIC RAILWAY CO.

Damage to property	\$1,000,000.00
Net loss in revenue	1,400,000.00
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Total estimated loss	\$2,400,000.00

OREGON SHORT LINE RAILROAD CO.

Expense incurred in connection with damage to track and roadway up to June 30, 1908	\$6,699.06
Probable expense to be incurred in placing track and roadbed in proper condition	cannot estimate
Expense incurred directly in consequence of washouts account damage to bridges and trestles, this expense increasing as additional repairs are made	1,196.70
Damage to other property	nothing to report
Loss of revenue	cannot estimate
<hr/>	
Total estimated loss reported	\$7,895.76

YELLOWSTONE PARK R. R. CO.

Damage to roadway	\$1,000.00
Damage to other property	None
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Total estimated loss	\$1,000.00

ANNUAL REPORTS
OF THE
Railroads Operating in Montana
FOR THE FISCAL YEAR ENDING
JUNE 30th, 1907.

In compiling the statistics, etc., contained in the following pages, it has been the aim of the Railroad Commission to formulate the same comparatively. Believing the public would not be interested in some of the detailed figures of the railroad companies, certain portions of the annual reports rendered by the railroads have been condensed and only the totalized figures are shown herein. These instances are few and occur only in cases where the Commission considers that detailed figures would be uninteresting. Should there be any parties desirous of obtaining more detailed data covering particular portions of the following pages, such information will be gladly furnished in so far as it is within the power of the Railroad Commission to do so.

Many instances will be noted where the railroads do not furnish to the Commission statistics covering traffic locally in Montana. In every case of this character explanatory notations have been made.

A goodly portion of the fiscal year had expired before the Commission was organized. The railroads had not kept, in some cases, detailed account of business within the state. It would have been a prodigious task for the railroads to go through their records and segregate the Montana from the interstate traffic. The Commission concluded, therefore, that for the first annual report, the statistics furnished, would answer the purpose, it being understood with all railroads operating in the State that future reports will be complete as to Montana statistics.

ORGANIZATION.

BUTTE, ANACONDA & PACIFIC RY.

Name of Directors	P. O. Address	Date of Expiration of Term
J. D. Ryan.....	Butte, Mont.....	June 3, 1908.....
M. S. Dean.....	Chicago, Ill.....	June 3, 1908.....
J. A. Dunlop.....	Anaconda, Mont.....	June 3, 1908.....
P. M. Halloran.....	Anaconda, Mont.....	June 3, 1908.....
F. A. Jones.....	Anaconda, Mont.....	June 3, 1908.....
Total number of stockholders 8.		

CHICAGO, BURLINGTON & QUINCY RY.

John F. Talmage.....	New York City.....	Nov. 6, 1907.....
George F. Baker.....	New York City.....	Nov. 6, 1907.....
George C. Clark.....	New York City.....	Nov. 6, 1907.....
William P. Clough.....	New York City.....	Nov. 6, 1907.....
George B. Harris.....	Chicago, Ill.....	Nov. 6, 1907.....
James J. Hill.....	St. Paul, Minn.....	Nov. 6, 1907.....
James N. Hill.....	New York City.....	Nov. 6, 1907.....
John J. Mitchell.....	Chicago, Ill.....	Nov. 6, 1907.....
Charles E. Perkins.....	Burlington, Ia.....	Nov. 6, 1907.....
Norman B. Ream.....	New York City.....	Nov. 6, 1907.....
Samuel Thorne.....	New York City.....	Nov. 6, 1907.....
Total number of stockholders 422.		

GREAT NORTHERN RY.

Henry W. Cannon.....	New York City.....	October, 1907.....
William B. Dean.....	St. Paul, Minn.....	October, 1907.....
Samuel Thorne.....	New York City.....	October, 1907.....
James J. Hill.....	St. Paul, Minn.....	October, 1908.....
Frederick Weyerhaeuser.....	St. Paul, Minn.....	October, 1908.....
Louis W. Hill.....	St. Paul, Minn.....	October, 1908.....
R. I. Farrington.....	St. Paul, Minn.....	October, 1909.....
E. Sawyer.....	St. Paul, Minn.....	October, 1909.....
W. R. Begg.....	St. Paul, Minn.....	October, 1909.....
Total number of stockholders 2730.		

MONTANA CENTRAL RY.

L. W. Hill.....	St. Paul, Minn.....	Until suc. is elected
R. I. Farrington.....	St. Paul, Minn.....	do
John I. Toomey.....	St. Paul, Minn.....	do
E. Sawyer.....	St. Paul, Minn.....	do
I. Parker Veasey.....	Great Falls, Mont.....	do
Total number of stockholders 6.		

MONTANA RAILROAD

M. S. Gunn.....	Helena, Mont.....	May, 1908.....
T. A. Mapes.....	Helena, Mont.....	May, 1908.....
J. Welch.....	Helena, Mont.....	May, 1908.....
F. W. Sharpe.....	Helena, Mont.....	May, 1908.....
Lawrence Fitch.....	Chicago, Ill.....	May, 1908.....
Total number of stockholders 6.		

NORTHERN PACIFIC RY.

John S. Kennedy.....	New York City.....	October, 1907.....
D. Willis James.....	New York City.....	October, 1907.....
George F. Baker.....	New York City.....	October, 1907.....
William Sloane.....	New York City.....	October, 1907.....
Grant B. Schley.....	New York City.....	October, 1907.....
William P. Clough.....	New York City.....	October, 1907.....
James N. Hill.....	New York City.....	October, 1908.....
Amos Tuck French.....	New York City.....	October, 1908.....
Alex. Smith Cochran.....	New York City.....	October, 1908.....
Payne Whitney.....	New York City.....	October, 1908.....
J. Pierpont Morgan, Jr.....	London, Eng.....	October, 1909.....
Lewis Cass Ledyard.....	New York City.....	October, 1909.....
Howard Elliott.....	St. Paul, Minn.....	October, 1909.....
Charles Steele.....	New York City.....	October, 1909.....
George W. Perkins.....	New York City.....	October, 1909.....

Total number of stockholders 2666.

OREGON SHORT LINE R. R.

Oliver Ames.....	Boston, Mass.....	October, 1907.....
Gordon M. Buck.....	New York City.....	October, 1907.....
Samuel Carr.....	Boston, Mass.....	October, 1907.....
L. B. Cornell.....	New York City.....	October, 1907.....
William D. Cornish.....	New York City.....	October, 1907.....
George E. Downs.....	New York City.....	October, 1907.....
Maxwell Everts.....	New York City.....	October, 1907.....
E. H. Harriman.....	New York City.....	October, 1907.....
r. S. Lovett.....	New York City.....	October, 1907.....
W. S. McCormick.....	Salt Lake City, Utah.....	October, 1907.....
William Mahl.....	New York City.....	October, 1907.....
Oliver W. Mink.....	Boston, Mass.....	October, 1907.....
H. B. Taylor.....	New York City.....	October, 1907.....
W. V. Thorne.....	New York City.....	October, 1907.....
P. A. Valentine.....	Chicago, Ill.....	October, 1907.....

Total number of stockholders 18.

YELLOWSTONE PARK R. R.

Frank A. Hall.....	Belfry, Mont.....	July, 1908.....
Geo. J. Atkins.....	Marietta, Pa.....	July, 1908.....
Samuel N. Mumma.....	Landisville, Pa.....	July, 1908.....
John A. Monk.....	Chickies, Pa.....	July, 1908.....
Geo. R. Helsey.....	Lancaster, Pa.....	July, 1908.....
Louis Rosenfield.....	Chicago, Ill.....	July, 1908.....
H. Burdassel.....	Marietta, Pa.....	July, 1908.....

Total number of stockholders 95.

PRINCIPAL OFFICERS.**BUTTE, ANACONDA & PACIFIC RY.**

J. D. Ryan, President, Butte, Montana.
M. S. Dean, Vice-President, Chicago, Ill.
P. M. Halloran, Secy., Treas. and Auditor, Anaconda, Mont.
F. A. Jones, General Superintendent, Anaconda, Mont.
E. C. Thomas, Genl. Fgt. and Passgr. Agt., Anaconda, Mont.

CHICAGO, BURLINGTON & QUINCY RY.

Geo. B. Harris, President, Chicago, Ill.
D. Miller, Vice-President, Chicago, Ill.
T. S. Howland, Secy.-Treas., Chicago, Ill.
J. W. Blythe, General Counsel, Burlington, Ia.
C. I. Sturgis, General Auditor, Chicago, Ill.
J. M. Gruber, General Manager, Chicago, Ill.
G. W. Holdrege, General Manager, Omaha, Neb.
G. H. Crosby, Freight Traffic Manager, Chicago, Ill.
P. S. Eustis, Passenger Traffic Manager, Chicago, Ill.

FIRST ANNUAL REPORT

GREAT NORTHERN RY.

Louis W Hill, President, St. Paul, Minn.
E. Sawyer, Treas. & Asst. Secy., St. Paul, Minn.
W. R. Begg, General Solicitor, St. Paul, Minn.
John G. Drew, Comptroller, St. Paul, Minn.
Frank E. Ward, General Manager, St. Paul, Minn.
W. W. Broughton, General Traffic Manager, St. Paul, Minn.

MONTANA CENTRAL RY.

Louis W. Hill President, St Paul, Minn.
R. I. Farrington, Vice-President, St. Paul, Minn.
W. R. Begg, General Solicitor, St. Paul, Minn.
E. Sawyer, Secy.-Treas., St. Paul, Minn.
John G. Drew, Comptroller, St. Paul, Minn.
F. E. Ward, General Manager, St. Paul, Minn.
W. W. Broughton, General Traffic Manager, St. Paul, Minn.

MONTANA RAILROAD

M. S. Gunn, President, Helena, Mont.
T. A. Mapes, Secretary Helena, Montana.
F. W. Sharpe, Treas., Auditor, Traffic Manager, Helena, Mont.
J. A. Green, Chief Engineer, Helena, Mont.
H. Spencer, Superintendent, Helena, Mont.

NORTHERN PACIFIC RY.

Howard Elliott, President, St. Paul, Minn.
James N. Hill, Vice-President, St. Paul, Minn.
Geo. H. Earl, Secretary, New York City.
Charles A. Clark, Treasurer, St. Paul, Minn.
Charles W. Bunn, General Counsel. St. Paul, Minn.
H. A. Gray, Comptroller, St. Paul, Minn.
H. J. Horn, General Manager, St. Paul, Minn.
J. G. Woodworth, Traffic Manager, St. Paul, Minn.

OREGON SHORT LINE R. R.

E. H. Harriman, President, New York City.
W. H. Bancroft, Vice-President and General Manager, Salt Lake City, Utah.
Alex. Millor, Secretary, New York City.
F. V. S. Crosby, Treasurer, New York City.
P. L. Williams, General Attorney, Salt Lake City, Utah.
William Mahl, Comptroller, New York City.
Erastus Young, General Auditor, Omaha, Neb.
J. C. Stubbs, Traffic Director, Chicago, Ill.

YELLOWSTONE PARK R. R.

Frank A. Hall, President, Belfry, Mont.
Samuel N. Mumma, Vice-President, Landisville, Pa.
Geo. J. Atkins, Secy.-Treas., Marietta, Pa.
William L. Miller, Auditor, Belfry, Mont.

INCORPORATION OF RAILROADS OPERATING IN STATE OF MONTANA.

Name	Incorporated Under Laws of
B. A. & P. Ry.....	Montana
C., B. & Q. Ry.....	Illinois
Great Northern Ry.....	Minnesota.....
Montana Central Ry.....	Montana
Montana R. R.....	Montana
Northern Pacific Ry.....	Wisconsin
O. S. L. R. R.....	Utah
Y. P. R. R.....	Montana

PROPERTY OPERATED—STATE OF MONTANA.

Name of Every Railroad the Operations of Which Are Included in the Income Account

1. Railroad line represented by Capital Stock:
 - A. Main Line.
 - B. Branch Line and Spurs.
2. Proprietary Companies whose entire Capital Stock is owned.
3. Line operated under lease for specified sum.
4. Line operated under contract, or where rent is contingent upon earnings or other considerations.
5. Line operated under trackage rights.

BUTTE, ANACONDA & PACIFIC RY.

NAME	TERMINALS		Miles Line for each road named	Miles Line for ea. class road named
	FROM	TO		
1. A. Butte, Anaconda & Pacific Ry.....	Butte	Anaconda	25.67	25.67
1 B.	Various	Various	38.88	38.88
3. Montana Railway....	Stuart	Various	8.17	8.17
Total Mileage Operated, Montana.....			72.72	

CHICAGO, BURLINGTON & QUINCY RY.

NAME	TERMINALS		Miles Line for each road named	Miles Line for ea. class road named
	FROM	TO		
1 B. C. B. & Q. R. R....	Toluca	Cody, Wyo.	85.54	.....
1 B. Big Horn So. R. R.	Mont. state line	Huntley	101.74	187.28
5. Nor. Pac. Ry.....	Huntley	Billings	12.62	12.62
Total Mileage Operated, Montana.....			199.90	

GREAT NORTHERN RY.

NAME	TERMINALS		Miles Line for each road named	Miles Line for ea. class road named
	FROM	TO		
3. St. Paul, Minneapolis & Manitoba Ry...	N. Dak. state line	Sun River	411.94	.....
	Pac. Junct.....	Idaho State Line..	399.99	.....
	Johnstown Jct..	Junct. with Sand Coulee Branch..	3.10	.....
	West Side Br..	Great Falls.....	5.04	.....
	Columbia Falls	Lake View.....	62.94	883.01
4 Mont. & Great North- ern Ry.....	Rexford	International Boun- dary	8.58	.....
	Great Falls....	International Boun- dary	134.41	142.99
	Total Mileage Operated, Montana.....			1,026.00

MONTANA CENTRAL RY.

NAME	TERMINALS		Miles Line for each road named	Miles Line for ea. class road named
	FROM	TO		
1. A. Mont. Cent. Ry...	Great Falls....	Helena	96.69	96.69
1. B. Mont. Cent. Ry...	Helena	Butte	72.534	.....
Mont. Cent. Ry....	Great Falls....	Sand Coulee	14.525	.....
Mont. Cent. Ry....	Allen	Neihart	56.244	.....
Mont. Cent. Ry....	Lewis Jct.....	Stockett	5.21	.....
Mont. Cent. Ry....	4 miles East	Butte	3.378	.....
Mont. Cent. Ry....	Helena	Fair Grounds .....	.68	152.57
5. Great Northern Ry..	Sun River....	Junction with Sand Coulee Branch ..	4.05	4.05
Total Mileage Operated, Montana.....			253.31	

PROPERTY OPERATED STATE OF MONTANA—Continued.

MONTANA RAILROAD

NAME	TERMINALS		Miles Line for each road named	Miles Line for ea. class road named
	FROM	TO		
1. A. Montana Railroad.	Lombard ...	Lewistown	157.00	157.00
Total mileage operated, Montana.....				157.00

NORTHERN PACIFIC RY.

NAME	TERMINALS		Miles Line for each road named	Miles Line for ea. class road named
	FROM	TO		
1. A. Northern Pac. Ry.	Dak. state line.	Idaho State Line.	782.38	
1. B.	Logan	Butte	71.40	853.78
	Main Line			
	spurs		31.39	
	Branch line			
	spurs		29.50	
	Laurel	Red Lodge	44.37	
	Silesia	Bridger	19.72	
	Livingston ...	Gardiner	54.27	
	Cokedale Coal			
	spur .....		.17	
	Whitehall	Parrot & Alder...	46.81	
	Sappington ...	Norris	21.00	
	Harrison	Pony	6.65	
	Prickley Pear			
	Jet.	High Ore Spur...	7.91	
	Corbin	Wickes	3.91	
	Boulder	Elkhorn	20.13	
	Helena	Rimini	16.51	
	Clough Jet....	Marysville	12.58	
	Drummond ...	Philipsburg	25.94	
	Missoula	Darby	63.82	
	De Cmet.	Idaho State Line..	109.53	514.21
2. Montana Railway....	Butte	Butte Hill	6.70	6.70
3. Montana Union Ry..	Garrison	Butte	64.10	64.10
5. Montana Central Ry.	Helena	Boomerang	36.17	36.17
Total mileage operated, Montana.....				1,474.96

OREGON SHORT LINE R. R.

NAME	TERMINALS		Miles Line for each road named	Miles Line for ea. class road named
	FROM	TO		
1. A. Oregon Short Line				
R. R.	Silver Bow ...	State Line	126.13	126.13
5. Northern Pacific Ry.	Silver Bow ...	Meaderville	8.69	8.69
Total mileage operated, Montana.....				134.82

YELLOWSTONE PARK R. R.

NAME	TERMINALS		Miles Line for each road named	Miles Line for ea. class road named
	FROM	TO		
1. A. Y. P. R. R.	Bridger	Bear Creek.....	25.00	25.00
1. B.			5.00	5.00
Total Mileage Operated Montana.....				30.00

PROPERTY OPERATED ENTIRE LINE.

Mileage of Each Class of Railroad the Operations of Which Are Included in the Income Account.

1. Railroad Line represented by Capital Stock:
 - A. Main Line. B. Branches and Spurs.
2. Proprietary Companies whose entire Capital Stock is owned by road named.
3. Line operated under Lease for specified sum.
4. Line operated under contract or where rent is contingent upon earnings as other considerations.
5. Line operated under Trackage Rights.

BUTTE, ANACONDA & PACIFIC RY.

Class of road operated	Miles of line for each class of roads named.
1 A.	25.67
1 B.	38.88
3.	8.17
Total mileage operated.....	72.72

CHICAGO, BURLINGTON & QUINCY RY.

1 A.	822.41
1 B.	7,837.66
5.	215.00
Total mileage operated.....	8,875.07

GREAT NORTHERN RY.

2.	415.65
3.	4,739.88
4.	142.99
5.	36.83
Total mileage operated.....	5,335.35

MONTANA CENTRAL RY

1 A.	96.69
1 B.	152.57
5.	4.05
Total mileage operated.....	253.31

MONTANA RAILROAD.

1 A.	157.00
Total mileage operated.....	157.00

NORTHERN PACIFIC RY.

1 A.	2,699.69
1 B.	2,856.48
2.	6.70
3.	194.73
5.	52.56
Total mileage operated.....	5,810.16

PROPERTY OPERATED—ENTIRE LINE—Continued.

OREGON SHORT LINE R. R.

1 A.	959.63
1 B.	147.50
2.	8.48
3.	278.60
4.	1.85
5.	11.58
Total mileage operated.....	1,407.64

YELLOWSTONE PARK R. R.

1 A.	25.00
1 B.	5.00
Total mileage operated.....	30.00

NAMES OF ALL COAL, BRIDGE, CANAL OR OTHER PROP-
ERTIES, THE EARNINGS AND EXPENSES OF WHICH
AFFECT THE GENERAL BALANCE SHEET.

GREAT NORTHERN RY.

Name	Character of Business	Title (owned, leased etc.)	State or Territory
Elevator 1.....	Handling grain in transit over lines operated by G. N. Ry.	Owned.....	.....Minnesota
Elevators A and X	do	Leased.....	.....Wisconsin
Elevator S.,....	do	do	do

ALL OTHER ROADS

None

PROPERTY LEASED OR OTHERWISE ASSIGNED FOR OPERATION.

(For Roads not making Operating Reports.)

Name of Railroad, the Income of Which from Lease or from Other Assignment for Operation is included in the income account.

GREAT NORTHERN RY.

Name	Terminals		By What Company Operated	Kind of contract under which operated	Miles of Line
	From	To			
Eastern Ry. of Minn.	Swan River, Minn.....	Mississippi River Minn.	Swan River Logging Co.	Lease....	... 6.24
	Barclay Jct. Minn.....	Dewey Lake Minn.....	do	do	.. 10.00

ALL OTHER ROADS

None

PROPERTY LEASED OR OTHERWISE CONTROLLED FOR OPERATION.

(For subsidiary roads making either operating reports or financial reports.)

Nature of agreement or controlling relation between the Company named and the Company by which it is operated or controlled, whether through lease, contract, or other agreement or through ownership of capital stock.

CHICAGO, BURLINGTON & QUINCY RY.

The roads and property of the Chicago, Burlington & Quincy Railroad Company are leased to and operated by the Chicago, Burlington & Quincy Railway Company, a corporation of the State of Iowa under written lease for 99 years, dated November 20, 1901; the rental being payment by the lessee of all taxes assessed against the property, and other fixed charges, together with interest upon all outstanding bonds of the lessor, and sinking fund requirements and dividends upon the capital stock of the lessor at the rate of seven (7%) per cent annually. The General Balance Sheet and the Income Account are made in composite form and show the assets and liabilities of both Companies.

OREGON SHORT LINE R. R.

The Union Pacific Railroad Company owns \$27,340,700.00 of the capital stock of this Company and thereby controls it. This Company, however, should not be treated as subsidiary to the Union Pacific Railroad Company, as this Company's property is managed by its own Board of Directors, and operated by its own traffic, operating and accounting officers.

ALL OTHER ROADS

None

CAPITAL STOCK AND FUNDED DEBT.

	Total Amount of Stock Issued and Outstanding	Amount of Dividends Declared During Year	Bonds Outstanding	Amount of Interest Accrued on Bonds During Year
Butte, Anaconda & Pacific Ry.	1,000,000.00	60,000.00	1,000,000.00	50,000.00
Chicago, Burlington & Quincy Ry.	110,829,100.00	7,758,737.00	188,690,000.00	7,298,776.92
Great Northern Ry.	149,577,500.00	10,469,661.65	107,613,000.00	Paid by C. B. & Q.
Montana Central Ry.	5,000,000.00	350,000.00	10,000,000.00	560,000.00
Montana Railroad	3,500,000.00	.....	2,000,000.00	100,000.00
Northern Pacific Ry.	155,000,000.00	10,850,000.00	294,280,100.00	7,015,995.01
Oregon Short Line R. R.	27,460,100.00	8,238,030.00	156,980,000.00	6,904,760.00
Yellowstone Park R. R.	720,000.00	.....	720,000.00	.....
	Equipment Trust Obligations	Total Amount of Outstanding Obligations	Amount per mile of Line Owned	Mileage Proportion for Montana
Butte, Anaconda & Pacific Ry. ....	.....	\$2,000,000.00	\$30,984.00	\$2,000,000.00
Chicago, Burlington & Quincy Ry. ....	.....	279,529,100.00	32,278.00	6,045,023.84
Great Northern Ry. ....	.....	257,130,500.00	*48,203.11	*49,456,390.86
Montana Central Ry. ....	.....	15,000,000.00	60,177.00	15,000,000.00
Montana Railroad .....	.....	5,500,000.00	33,742.00	5,500,000.00
Northern Pacific Ry.	36,276.00	449,316,376.00	57,801.00	79,071,768.00
Oregon Short Line R. R. ....	.....	183,540,100.00	157,717.00	19,892,845.21
Yellowstone Park R. R. ....	.....	1,440,000.00	48,000.00	1,440,000.00

*Based on Mileage Operated (Single Track).

CURRENT ASSETS AND LIABILITIES.

Cash and Current Assets Available for Payment of Current Liabilities.

	B. A. & P. Ry.	C. B. & Q. Ry.	G. N. Ry.	Mont. C. Ry.	Mont. R. R.	N. Pac. Ry.	O. S. L. R. R.	Y. P. R. R.
Cash	432,775.79	6,316,091.12	19,807,930.04	20,957.34	60,417.56	11,899,998.16	431,106.85	210.25
Bills receivable	820,473.20	4,252,194.04	3,009,247.99	.....	20,399.43	25,045.23	50,000.00	.....
Due from agents	266,840.03	3,456.13	.....	.....	.....	871,352.77	203,736.01	4,034.72
Due from solvent companies and individuals .....	.....	4,611,797.02	3,947,330.56	1,637,192.03	24,418.27	5,871,347.31	5,732,079.78	12,692.11
Net traffic balances due from other companies .....	.....	.....	.....	.....	.....	**17,095,917.87	a164,445.74	.....
Other cash assets (excluding "material and supplies") .....	.....	924,746.69	.....	.....	*569,563.04	***2,234,378.57	b3,800,410.50	.....
Total cash and current assets	\$699,615.82	12,716,505.58	31,016,702.63	1,658,149.37	674,798.30	38,369,184.08	16,234,147.39	16,978.08
Material and supplies on hand	\$96,313.21	6,013,344.17	5,885,179.77	67,311.00	25,492.90	5,889,931.12	856,408.31	4,406.86

*Revision of Main Line.

**Portland and Seattle Ry. Construction advances.

***Clearwater Short Line Joint Line Construction advances.

****Big Fork & Int. Falls Ry. Co. Construction advances.

Current Liabilities Accrued to and Including June 30, 1907.

Receiver's Certificates								
Loans and bills payable .....	.....	2,000,000.00	.....	.....	388,275.83	.....	81,397,003.38	.....
Audited vouchers and accounts	156,356.58	4,581,684.22	3,956,857.66	110,501.63	180,566.76	7,132,835.05	646,572.45	5,555.07
Wages and salaries	38,181.45	2,934,930.94	2,692,469.02	168,720.59	22,348.84	3,253,135.70	558,033.23	3,757.15
Net traffic balances due to other companies	172,005.78	.....	1,328,902.80	.....	9,878.96	56,734.70	128,640.87	934.11
Dividends not called for .....	.....	3,460.00	22.75	.....	.....	2,714,354.50	*5,498,000.00	.....
Matured interest coupons unpaid (including coupons due July 1) .....	.....	2,243,063.50	.....	281,730.00	50,000.00	1,136,274.25	591,527.50	.....
Rents due July 1st .....	.....	.....	1,268,487.16	.....	.....	**1,538,390.94	.....	.....
Miscellaneous	953,866.02	162,134.33	.....	.....	13,513.51	***6,309,766.86	.....	.....
Total current liabilities	\$1,320,409.83	11,925,272.99	9,246,739.39	560,952.22	664,553.90	22,141,492.00	89,323,433.32	10,246.33

*Includes dividend due Aug. 7, '07.

a. U. S. Government transportation.

***Taxes accrued.

b. Accrued dividends and interest on stocks and bonds.

***Reserve Fund.

COST OF ROAD, EQUIPMENT AND PERMANENT IMPROVEMENTS.

Name of Company	Cost of Construction and Equipment		Cost per Mile of line	Proportional cost in Montana on basis of Mileage
	To June 30, 1906	To June 30, 1907		
Butte, Anaconda & Pacific Ry.....	\$4,970,076.47	\$5,094,073.77	\$78,916.00	\$ 78,916.00
Chicago, Burlington & Quincy Ry.....	337,755,289.59	345,281,500.00	39,870.52	7,466,950.99
Great Northern Ry....	*140,981,778.51	*145,044,816.11	*27,166.88	*37,267,716.06
Montana Central Ry....	15,648,887.39	15,551,221.86	62,389.55	15,551,221.86
Montana Railroad.....	5,511,599.24	5,546,718.80	34,028.95	5,546,718.80
Northern Pacific Ry....	341,638,540.75	355,684,163.52	*60,163.08	82,303,093.44
Oregon Short Line R. R.	64,779,294.59	65,753,714.29	56,503.03	7,126,723.39
Yellowstone Park R. R.	**1,440,000.00	1,442,659.21	8,864.00	1,442,659.21

*Figures not furnished by Railway Co. but compiled by Commission.

**Cost to Nov. 30, 1906.

INCOME ACCOUNT—ENTIRE LINE.

	B. A. & P. Ry.	C. B. & Q. Ry.	Gt. Nor. Ry.	Mont. Cent. Ry.	Montana R. R.	Nor. Pac. Ry.	O. S. L. R. R.	Y. P. R. R.
Gross earnings from operation	\$1,262,254.29	\$81,705,307.33	\$50,208,025.10	\$2,889,405.03	\$845,235.40	\$68,447,453.65	\$17,196,118.71	\$38,706.55
Operating expenses	900,117.53	58,134,494.99	29,446,866.30	1,490,655.43	252,558.27	37,601,938.12	7,352,328.94	24,116.64
Income from operation ..	362,136.46	23,520,812.34	20,761,168.80	1,398,749.60	192,777.13	30,845,515.53	9,843,789.77	14,589.91
Dividends on stocks owned .....	.....	4,686.80	996,079.04	.....	.....	.....	10,306,280.75	.....
Interest on bonds owned .....	.....	89,087.83	396,087.51	.....	.....	397,825.00	135,734.44	.....
Miscellaneous income .....	.....	349,487.53	1,707,473.99	41,157.13	737.22	1,805,772.21	488,331.33	.....
Total income	362,136.46	23,964,074.50	23,860,809.34	1,439,906.73	193,514.35	33,049,112.74	20,774,136.29	.....
Deductions								
Interest on funded debt accrued	50,000.00	7,298,776.92	.....	560,000.00	100,000.00	7,015,995.01	6,904,760.00	.....
Interest on interest-bearing current liabilities, etc. ....	.....	.....	337,483.13	.....	.....	.....	1,565,871.34	.....
Interest on real estate mortgages .....	.....	.....	.....	.....	.....	.....	.....	.....
Rents paid for lease of road	25,000.00	.....	4,080,285.76	.....	.....	160,469.30	233,750.00	.....
Taxes	15,907.95	2,814,057.06	1,882,693.31	62,036.28	12,762.06	2,398,719.00	409,641.27	.....
Permanent improvements .....	.....	.....	*1,934,976.22	.....	.....	.....	.....	2659.21
Other deductions .....	.....	709,309.92	.....	*110,881.69	.....	.....	518,289.77	792.09
Total deductions	90,907.95	10,822,143.90	11,235,444.42	706,988.76	112,762.06	9,575,183.31	9,632,312.38	3,451.30
Net income	271,228.51	13,141,930.60	12,625,364.92	on all stock	80,752.29	23,473,929.43	11,141,823.91	11,138.61
Dividends on com. stock	60,000.00	7,758,737.00	on all stock	350,000.00	.....	10,850,000.00	8,238,030.00	.....
Dividends on Prefrd. stock	.....	.....	.....	.....	.....	.....	.....	.....
Other payments from net income .....	.....	.....	.....	.....	.....	.....	.....	.....
Surplus from operations year ending June 30, '07	211,228.51	5,383,193.60	2,155,703.27	356,988.76	80,752.29	12,623,929.43	2,903,793.91	11,138.61
Surplus on June 30, '06 ..	3,275,305.60	41,649,536.94	23,593,165.81	544,437.78	1,673.81	19,936,979.40	1,444,246.34	not operated
Additions for year .....	.....	.....	.....	.....	.....	18,169,980.58	1,422,521.50	.....
Deductions for year .....	.....	.....	.....	.....	.....	6,135,182.58	798,484.41	.....
Surplus on June 30, 1907, entered in General Balance Sheet page	2,556,227.45	47,032,730.54	23,766,719.46	901,426.54	82,426.10	44,595,707.03	4,972,083.34	not operated

Line West of Missouri River.

*Fund for permanent improvement and renewals, \$2,000,000.00; replacement of equipment \$2,934,976.22.

**Depreciation of equipment.

EARNINGS FROM OPERATION IN MONTANA.

	Total Passenger Earnings	Total Freight Earnings	Other Earnings from Operation	Gross Earnings from Operation Montana	Gross Earnings from Operation Entire Line
Butte, Anaconda & Pacific Ry.....	119,984.20	1,134,616.16	7,653.93	1,262,254.29	1,262,254.29
Chicago, Burlington & Quincy Ry.....	28,644.73	6,745,103.80	.....	73,748.53	81,705,307.33
Great Northern Ry.....	*1,984,540.00	*6,742,742.09	*103,625.14	*8,830,307.23	50,295,002.07
Montana Central Ry.....	447,606.34	2,360,345.50	81,453.19	2,889,405.03	2,889,405.03
Montana Railroad.....	144,938.27	297,701.71	2,895.42	445,335.40	445,335.40
Northern Pacific Ry.....	*5,263,215.91	*14,448,983.55	*197,086.67	*19,909,286.13	68,447,453.65
Oregon Short Line.....	**4,113,312.56	**12,853,101.26	*229,704.89	.....	17,196,118.71
Yellowstone Park R. R.....	1,381.50	37,290.65	34.40	38,706.55	38,706.55

*Figures include earnings apportioned to Montana on interstate traffic.

**Figures are for entire line

STOCKS OWNED.

Name of Company Owning Stock	Name of Stock Owned	Total Par Value	Rate	Income or Dividend Received	Valuation
Butte, Anaconda & Pacific Ry.	Atchison Union Depot & R. R. Co.	\$ 27,000.00	.....	.....	\$ 27,000.00
Chicago, Burlington & Quincy Ry.	Chicago Union Transfer Ry. Co.	80,000.00	.....	.....	40,000.00
	Hannibal Union Depot Co.	23,400.00	.....	.....	23,400.00
	Kansas City Union Depot Co.	90,000.00	.....	.....	90,000.00
	Keokuk Union Depot Co.	40,000.00	.....	.....	7,000.00
	Minnesota Transfer Ry. Co.	7,000.00	.....	.....	8,024.00
	St. Joseph Union Depot Co.	4,000.00	.....	.....	13,325.12
	St. Paul Union Depot Co.	103,600.00	.....	\$4,086.80	103,600.00
	Iowa Transfer Ry. Co.	6,200.00	.....	.....	6,200.00
	Kansas City Terminal Ry. Co.	99,900.00	.....	.....	34,320.00
	Burlington Elev. Co., Peoria, Ill.	15,000.00	.....	600.00	15,000.00
*Great Northern Ry.	Total	496,100.00	.....	4,686.80	367,869.12
	Eastern Ry. of Minnesota.	5,000,000.00	.....	**	5,000,000.00
	Montana Central Ry.	5,000,000.00	7%	350,000.00	5,000,000.00
	Willmar & Sioux Falls Ry. Co.	1,500,000.00	7%	105,000.00	1,500,000.00
	Duluth, Watertown & Pacific Ry.	730,000.00	.....	.....	730,000.00
	Minneapolis Union Ry. Co.	500,000.00	10%	50,000.00	500,000.00
	St. Paul Union Depot Co.	43,750.00	2%	875.00	43,750.00
	Minnesota Transfer Ry. Co.	7,000.00	.....	.....	7,000.00
	Lake Superior Term. & Trf. Co.	15,700.00	.....	.....	15,700.00
	Minneapolis Western Ry. Co.	250,000.00	.....	.....	250,000.00
	Great Northern Ry. Co.	78,200.00	7%	5,474.00	79,131.34
	Butte, Anaconda & Pacific Ry.	490,000.00	6%	29,400.00	490,000.00
	Seattle & Montana Ry. Co.	13,999,550.00	.....	.....	11,499,640.00
	St. Paul, Minneapolis & Manitoba Ry.	19,664,000.00	**	.....	24,577,500.00
	Eastern Ry. Co. of Minnesota.	11,000,000.00	**	.....	11,000,000.00
	Willmar & Sioux Falls Ry.	5,500,000.00	.....	385,000.00	5,500,000.00
	Spokane Falls & Northern Ry.	2,809,000.00	.....	.....	.....
	Nelson & Ft. Sheppard Ry.	1,506,900.00	.....	.....	.....
	Red Mountain Ry. Co.	190,600.00	.....	.....	2,374,667.04
	Columbia & Red Mountain Ry.	264,400.00	.....	.....	.....
	Kootenai Ry. & Nav. Co., Ltd., securities	\$219,717.00	.....	.....	.....
	Kootenai Ry. & Nav. Co., Ltd., securities	\$500,000.00	Debt	stock	common
			shares	.....	1,545,858.04

STOCKS OWNED—Continued.

Name of Company Owning Stock	Name of Stock Owned	Total par Value	Rate	Income or Dividend Received.	Valuation
*Great Northern Ry.....	St. Paul Union Depot Co.....	59,850.00	.....	1,139.80	59,850.00
	Chicago, Burlington & Quincy Railroad (% Interest in \$215,226,000.00)	107,613,000.00	.....	.....	109,114,309.76
	Lake Superior Term. & Tran. Co.	20,000.00	.....	.....	20,000.00
	Dakota & Great Northern Ry.	2,000,000.00	.....	.....	2,000,000.00
	Montana & Great Northern Ry.	7,000,000.00	.....	.....	7,000,000.00
	Washington & Gt. Northern Ry.	2,000,000.00	.....	.....	2,000,000.00
	Farmers' Grain & Shipping Co.	30,000.00	.....	.....	30,000.00
	Park Rapids & Leech Lake Ry.	500,000.00	7%	35,000.00	500,000.00
	Duluth Terminal Ry. ....	.....	.....	3,000.00	.....
	Subscription Account new stock of Great Northern Ry. ....	.....	.....	.....	.....
	Northern S. S. Co.	1,500,000.00	.....	.....	300,140.00
	1 Climax Coal Co.	149,000.00	.....	.....	1,500,000.00
	Ft. Benton Bridge Co.	5,800.00	.....	.....	.....
	John O'Brien Lumber Co.	125,000.00	.....	.....	190,000.00
	Duluth & Superior Bridge Co.	200,000.00	.....	.....	200,000.00
	Great Northern S. S. Co.	6,000,000.00	.....	.....	6,000,000.00
	Crow's Nest Pass Coal Co.	355,400.00	.....	30,617.99	907,877.48
	Dividends received on stock sold during year. ....	.....	.....	572.25	.....
	Totals .....	.....	.....	996,079.04	185,638,973.66
Montana Central Ry.....	Washington Central Ry.	1,000,000.00	.....	.....	.....
Montana Railroad	Clearwater Short Line Ry.	2,127,200.00	.....	.....	291,279.94
Northern Pacific Ry.....	Lake Superior Term. & Trf. Co.	51,400.00	.....	.....	2,127,200.00
	St. Paul Union Depot Co.	59,850.00	.....	.....	11,601.00
	Missouri River Ry.	10,000.00	.....	.....	59,850.00
	Western Dakota Ry.	10,000.00	.....	.....	10,000.00
	Northwestern Improvement Co.	2,775,000.00	.....	.....	10,000.00
	Total	6,033,450.00	.....	.....	2,775,000.00
Oregon Short Line.....	Atchison, Topeka & Santa Fe Ry. Co. Pfd.	10,000,000.00	.....	250,000.00	5,214,930.94
	Baltimore & Ohio R. R. Co. Com.	32,334,200.00	.....	970,026.00	not given
	Baltimore & Ohio R. R. Co. Pfd.	7,206,400.00	.....	144,128.00	not given

STOCKS OWNED—Continued.

Name of Company Owning Stock	Name of Stock Owned	Total par Value	Rate	Income or Dividend Received.	Valuation
Oregon Short Line.....	Boise City Terminal Co.....	22,900.00	.....	.....	not given
	Calliente & Pioche R. R. Co.....	15,000.00	.....	.....	not given
	Chicago, Milwaukee & St. Paul Ry. Common	3,690,000.00	.....	234,150.00	not given
	Chicago, Milwaukee & St. Paul Ry. (25% Paid).....	922,500.00	.....	.....	not given
	Chicago, Milwaukee & St. Paul (25% Paid Pfd.).....	1,845,000.00	.....	.....	not given
	Chicago & Northwestern Com.....	3,215,000.00	.....	302,545.00	not given
	Great Northern Ry Pfd.....	9,036,400.00	.....	.....	not given
	Great Northern Ry (50% Paid)	3,614,560.00	.....	720,748.00	not given
	Great Northern Ry, iron ore cert.....	.....	.....	.....	not given
	Malad Valley R. R. Co.....	40,000.00	.....	.....	not given
	Minidoka & Southwestern R. R. Co.....	85,000.00	.....	.....	not given
	New York Cent. & Hudson River R. R.	14,285,700.00	.....	770,118.75	not given
	Northern Pacific Ry.....	4,152,800.00	.....	525,196.00	not given
	Northern Pacific Ry 12 1-2% Pfd.....	2,491,600.00	.....	.....	not given
	Northern Securities Co. stubs.....	724,900.00	.....	36,245.00	not given
	Oregon R. R. & Nav. Co. Com.....	23,979,300.00	.....	.....	not given
	Oregon R. R. & Nav. Co. Pfd.....	10,871,090.00	.....	434,804.00	not given
	Oregon Short Line R. R.....	109,400.00	.....	32,820.00	not given
	St. Anthony Railroad Co.....	50,000.00	.....	.....	not given
	Salmon River R. R. Co.....	150,000.00	.....	.....	not given
	San Pedro Los Angeles & Salt Lake R. R.....	12,500,000.00	.....	.....	not given
	Southern Pacific Co. Com.....	90,000,000.00	.....	4,725,000.00	not given
	Southern Pacific Co. Pfd.....	18,000,000.00	.....	1,260,000.00	not given
	Southern Pacific Co. 25% Paid.....	16,200,000.00	.....	.....	not given
	Wyoming Western R. R. Co.....	50,000.00	.....	.....	not given
	Yellowstone Park R. R. Co.....	12,500.00	.....	.....	not given
	California Improvement Co.....	1,299,500.00	.....	.....	not given
	Empire Construction Co.....	50,000.00	.....	.....	not given
	Los Angeles Term. Land Co.....	15,000.00	.....	.....	not given
	Short Line Land & Imp. Co.....	50,000.00	.....	500.00	not given
	Total	267,603,750.00	.....	10,306,280.75	not given
Yellowstone Park R. R.....	.....	.....	.....	.....	not given

*The following stocks shown (1) were acquired from the St. P., M. & M. Ry. as subscription to G. N. Ry. capital being made for benefit of St. P., M. & M. Ry. Stockholders; Railroad stocks, 12,796,450.00; other stocks, \$1,654,800.00.

**Dividends received on these stocks were deducted from rentals payable under leases from those companies.

BONDS OWNED.

Name of Company Owning Bonds	Name of Bonds Owned	Total par value	Rate	Income or Interest received	Valuation
Butte Anaconda & Pacific Ry.....	Atchison Union Depot & Ry. Co.	\$ 4,500.00	.....	\$ 225.00	\$ 4,500.00
Chicago, Burlington & Quincy Ry.....	Minnesota Transfer Co.	45,000.00	.....	1,250.00	45,000.00
	Tabor & Northern R. R.	50,000.00	.....	2,500.00	41,658.00
	Winona Bridge Ry. Co.	259,000.00	.....	19,425.00	201,050.00
	Peoria & Pekin Union Co.	37,500.00	.....	1,962.50	37,500.00
	B. & M. R. R. in Neb. 6s of 1918	152,600.00	.....	12,282.00	152,600.00
	B. & M. R. R. in Neb. 4s of 1916	71,000.00	.....	1,545.33	71,000.00
	C. B. & Q. Ill. Division 4s of 1919	29,000.00	.....	1,160.00	29,000.00
	Nodaway Valley R. R. 7s of 1920	2,000.00	.....	140.00	2,000.00
	Republican Valley R. R. 6s of 1919	141,200.00	.....	9,048.00	141,200.00
	Tarkio Valley R. R. 7s of 1920.	66,000.00	.....	5,110.00	66,000.00
	C. B. & Q. R. R. 4s of 1927.	31,000.00	.....	1,240.00	31,000.00
	Burlington Elev. Co., Peoria, Ill.	5,000.00	.....	300.00	5,000.00
	Town of Akron, Col.	12,500.00	.....	500.00	12,500.00
	Wapello Coal Co.	405,000.00	.....	32,400.00	405,000.00
	Total	1,311,300.00	.....	89,087.83	1,245,008.00
Great Northern Railway.....*	Duluth, Watertown & Pac. Ry.	1,375,000.00	.....	17,250.00	1,375,000.00
	Minnesota Transfer Ry. Co.	109,000.00	.....	983.16	109,000.00
	St. Paul, Minneapolis & Manitoba Ry. (Pac. Extension).	\$2,000,000.00	.....	.....	10,000,000.00
	St. Paul, Minneapolis & Manitoba Pac. Improvement.....	5,000,000.00	.....	.....	5,000,000.00
	Butte, Anaconda & Pacific Ry.	1,000,000.00	.....	50,000.00	900,000.00
	Minnesota Transfer Ry. Co.	48,000.00	.....	432.96	48,000.00
	Willmar & Sioux Falls Ry.	21,000.00	.....	1,050.00	21,000.00
	Park Rapids & Leech Lake Ry.	500,000.00	.....	25,000.00	500,000.00
	Duluth, Superior & Western Tel. Co.	500,000.00	.....	20,000.00	500,000.00
	Farmers' Grain & Shipping Co.	114,000.00	.....	5,401.39	112,500.00
	Spokane Falls & Northern Ry.	2,580,000.00	6	154,800.00	.....
	Nelson & Ft. Shepard Ry. Co.	1,293,000.00	6	77,580.00	4,356,957.53
	Col. & Red Mountain Ry. Co.	291,000.00	6	17,460.00	.....
	Red Mountain Ry. Co.	217,000.00	6	13,020.00	.....
	Duluth Terminal Ry.	.....	.....	10,500.00	.....
	Town of Sanders.	2,000.00	.....	120.00	1,592.00
	Town of Minnesota Falls.	.....	.....	240.00	.....

BONDS OWNED—Continued.

Name of Company owning bonds	Name of Bonds Owned	Total par value	Rate	Income or Interest received	Valuation
Montana Central Railway	Duluth & Superior Bridge Co.	656,000.00	.....	.....	.....
Montana Railroad	1st Mortgage Bonds	289,000.00	.....	2,250.00	650,000.00
Northern Pacific Railway	2nd Mortgage Bonds	.....	.....	.....	289,000.00
	Total	.....	.....	396,087.51	23,861,457.53
	Northern Pac. Ry. General Lien	704,000.00	.....	.....	.....
	Northern Pac. Prior Lien	1,552,000.00	.....	19,815.00	534,282.11
	Northern Pac. Ry., St. Paul—	.....	.....	1,560.00	1,553,471.54
	Duluth Division	361,000.00	.....	.....	.....
	Northern Pacific—Great Northern Joint	1,504,000.00	.....	.....	361,000.00
	Washington Central Ry.	315,000.00	.....	83,850.00	1,498,695.37
	Northwestern Improvement Co.	7,000,000.00	.....	12,600.00	291,375.00
	Total	11,436,000.00	.....	280,000.00	7,000,000.00
Oregon Short Line R. R.	Malad Valley R. R. Co., 1st Mtg.	400,000.00	6%	397,825.00	11,238,825.02
	Malheur Valley Ry. Co 1st Mtg.	166,000.00	6%	2,594.44	.....
	Minidoka & Southwestern, 1st Mtg.	850,000.00	6%	.....	.....
	Oregon Short Line R. R. Income	2,564,000.00	5%	138,200.00	.....
	Payette Valley R. R. Co., 1st Mtg.	44,000.00	5%	1,100.00	.....
	Salmon River R. R. 1st Mtg.	750,000.00	6%	.....	.....
	San Pedro, Los Angeles & Salt Lake R. R., 1st Mtg.	20,000,000.00	4%	.....	.....
	St. Anthony R. R. Co, 1st Mtg.	450,000.00	6%	.....	.....
	Sumpter Valley Ry. Co, 1st Mtg.	.....	6%	3,840.00	.....
	Utah Northern Ry Co., 1st Mtg.	1,000.00	7%	.....	.....
	Wyoming Western R. R. Co., 1st Mtg.	275,000.00	6%	.....	.....
	Total	25,494,000.00	.....	135,734.44	23,494,000.00
Yellowstone Park R. R.	.....	.....	.....	.....	.....

*\$1,484,000.00 of bonds acquired from the St. P., M. & M. Ry. as subscription to G. N. R. Y. Co.'s capital stock.

MISCELLANEOUS INCOME.

Name of Company	Item	Net Misc. Income
Butte, Anaconda & Pac. Ry.....	Interest and exchange.....	\$ 349,487.53
Chicago, Bur. & Quincy Ry.....	Rental of leased lines.....	139,501.61
Great Northern Ry.....	Bills receiveable—Land notes.....	1,549.44
	Rental of equipment and car service	444,694.99
	General interest and profit on securities sold.....	1,097,373.19
	Miscellaneous	24,354.76
	Total	1,707,473.99
Montana Central Ry.....	Rental of equipment and car service	41,157.13
	Total	41,157.13
Montana Railroad.....	Interest on deposits.....	737.22
	Total	737.22
Northern Pacific Ry.....	Rentals from leased property.....	240,148.53
	Interest on bank balances and sundry accounts	1,195,738.28
	Interest and dividends on securities held by trustees of prior lien mortgages as part of Northern Pac. Estate	527,060.80
	Net receipts from stock yards.....	1,640.57
	Net receipts from operating dept.—sold	911.23
	Total	1,965,499.41
	Deduct interest and commission on subscriptions to new capital stock	159,727.20
	Balance	1,805,772.21
Oregon Short Line R. R.....	Interest, discount and exchange....	255,212.47
	Rentals, Montana Union Ry.....	51,331.86
	Rentals, Salt Lake Yard.....	45,555.60
	Rentals from steamships.....	136,231.40
	Total	488,331.33
Yellowstone Park R. R.....	.....	.....

RENTALS RECEIVED AND PAID—STATE OF MONTANA.

Name of Company	Total amount Rentals received for lease of tracks, yards and terminals	Total amount Rentals paid for lease of road, tracks, yards and terminals
Butte, Anaconda & Pacific Ry.....	.....	\$ 25,000.00
Chicago, Burlington & Quincy Ry.....	\$ 775,379.03	1,167,052.77
Great Northern Ry.....	183,576.70	4,471,373.25
Montana Central Ry.....	5,328.64	8,374.83
Montana Railroad .....	.....	.....
Northern Pacific Ry.....	1,805,772.21	645,897.06
Oregon Short Line R. R.....	720.00	283,226.47
Yellowstone Park R. R.....	.....	.....

OPERATING EXPENSES—STATE OF MONTANA.

Name of Company	Maintenance of Way and Structures	Maintenance of Equipment	Conducting Transporta- tion	Expenses General	Percent of exp. to earn- ings	Total operat- ing Expenses
Butte, Anaconda & Pacific Ry.....	132,751.36	186,771.61	544,803.27	35,791.59	71.31	\$ 900,117.83
*Chicago, Burlington & Quincy Ry....	5,369,789.64	4,284,994.48	9,084,429.12	560,963.71	62.56	19,300,176.95
Great Northern Ry.....	1,198,088.58	1,178,852.40	2,856,303.05	189,076.68	61.41	5,422,320.71
Montana Central Ry.....	309,412.26	224,221.73	898,128.42	58,893.02	51.59	1,490,655.43
Montana Railroad	86,782.14	28,484.71	120,369.88	16,921.54	56.71	1,252,558.27
Northern Pacific Ry.....	2,264,424.69	1,745,559.36	5,722,786.43	298,055.96	50.38	10,030,826.44
**Oregon Short Line R. R.....	1,887,718.57	1,578,219.04	3,518,747.74	367,643.59	42.76	7,352,328.94
Yellowstone Park R. R.....	6,578.45	1,553.05	11,709.56	4,275.58	62.30	.....

*Figures shown are for line West of Missouri River.

**Figures shown are for entire line.

COMPARATIVE GENERAL BALANCE SHEET.

	Assets.						Lands owned
	Cost of road and Equip-ment	Stocks owned	Bonds owned	Other Perma-nent Invest-ments	Sundries	Profit and Loss	
Butte, Anaconda & Pacific Ry.....	5,094,073.77	.....	.....	.....	.....	.....	.....
*Chicago, Burlington & Quincy Ry....	345,281,500.00	.....	1,245,008.00	.....	.....	.....	1,173,087.71
Great Northern Ry.....	**38,026,145.38	.....	22,377,457.53	**64,326,933.80	.....	.....	.....
Montana Central Ry.....	15,551,221.86	.....	.....	.....	.....	.....	.....
Montana Railroad.....	5,546,718.80	.....	.....	.....	.....	.....	.....
Northern Pacific Ry.....	355,684,163.52	.....	11,238,825.02	.....	.....	.....	b2,876,275.48
Oregon Short Line R. R.....	65,753,714.29	.....	23,494,000.00	.....	.....	.....	.....
Yellowstone Park R. R.....	1,442,659.21	.....	.....	.....	.....	.....	.....

	Assets.						Profit and Loss
	Cash and Current Assets	Equipment Trusts	Material and Supplies	Sinking Fund	Sundries	Profit and Loss	
Butte, Anaconda & Pacific Ry.....	707,083.63	.....	96,313.21	.....	.....	.....	.....
*Chicago, Burlington & Quincy Ry....	12,716,505.58	.....	6,013,344.17	17,262,788.46	.....	.....	.....
Great Northern Ry.....	**46,864,855.44	.....	5,882,179.77	.....	89,072.43	.....	.....
Montana Central Ry.....	1,658,149.37	.....	67,311.00	.....	.....	.....	.....
Montana Railroad.....	674,798.30	.....	25,492.90	.....	.....	.....	.....
Northern Pacific Ry.....	38,309,184.08	.....	5,889,331.12	1,618,329.06	30,453.06	.....	.....
Oregon Short Line R. R.....	16,234,147.39	.....	856,408.31	240,528.83	.....	.....	.....
Yellowstone Park R. R.....	16,978.08	.....	4,406.86	.....	.....	.....	11,138.61

*Figures are for entire line.

**Cost of Properties, Securities, and Equipment.

***Includes advances account construction \$62,375,605.21.

COMPARATIVE GENERAL BALANCE SHEET—Continued

	Grand Total Assets, 1907	Grand Total Assets, 1906	Increase	
Butte, Anaconda & Pacific Ry.....	\$ 5,897,470.61	\$ 5,702,772.81	\$ 195,094.39	.....
*Chicago, Burlington & Quincy Ry....	400,083,590.18	392,212,543.45	7,871,046.73	.....
Great Northern Ry.....	363,608,616.01	320,036,465.82	43,572,150.19	.....
Montana Central Ry.....	17,276,682.23	16,958,095.91	318,586.32	.....
Montana Railroad.....	6,247,010.00	5,620,014.51	626,995.49	.....
Northern Pacific Ry.....	533,502,636.13	489,732,115.25	43,770,520.88	.....
Oregon Short Line R. R.....	281,637,056.64	243,824,404.18	37,812,652.46	.....
Yellowstone Park R. R.....	1,475,182.76	First year operated.	.....	.....

*Figures are for Entire Line.

**Includes \$15,648,150.81 for cost of additions and improvements made by the Great Northern Railway to property leased from the St. Paul, Minneapolis & Manitoba Railway and paid for from fund for permanent improvements and renewals.

a Covers charges advanced.

b Land Department Current Assets.

COMPARATIVE GENERAL BALANCE SHEET—Continued.

Liabilities				
	Capital stock	Funded Debt	Current Liabilities	Real Estate Mortgages and other Liabilities
Butte, Anaconda & Pacific Ry.....	1,000,000.00	1,000,000.00	1,320,409.83	20,833.33
*Chicago, Burlington & Quincy Ry....	110,839,100.00	168,630,000.00	11,925,272.99	9,431.67
Great Northern Ry.....	184,193,712.00	107,613,000.00	9,246,739.39	337,483.13
Montana Central Ry.....	5,000,000.00	10,000,000.00	560,952.22	814,303.47
Montana Railroad.....	3,500,000.00	2,000,000.00	664,583.90	.....
Northern Pacific Ry.....	c169,721,100.37	294,316,376.00	22,141,492.00	2,185,959.07
Oregon Short Line R. R.....	27,460,100.00	156,080,000.00	89,323,433.32	2,141,941.65
Yellowstone Park R. R.....	720,000.00	720,000.00	10,246.33	1,659,498.33
				Profit and Loss
				2,556,227.45
				b17,032,730.54
				23,766,719.46
				901,426.54
				82,426.10
				44,595,707.03
				4,972,083.34

COMPARATIVE GENERAL BALANCE SHEET—Continued

	Grand Total Liabilities 1907	Grand Total Liabilities 1906	Increase over 1906	
Butte, Anaconda & Pacific Ry.....	\$ 5,897,470.61	\$ 5,702,772.81	\$ 194,697.80	.....
*Chicago, Burlington & Quincy Ry...	400,083,590.18	392,212,543.45	7,871,046.73	.....
Great Northern Ry.....	363,608,616.01	320,036,465.82	43,572,150.19	.....
Montana Central Ry.....	17,276,682.23	16,958,095.91	318,586.32	.....
Montana Railroad	6,247,010.00	5,620,014.51	633,393.03	.....
Northern Pacific Ry.....	533,502,436.13	489,782,115.25	43,720,520.88	.....
Oregon Short Line R. R.....	281,637,056.64	243,824,404.18	37,812,652.46	.....
Yellowstone Park R. R.....	1,450,246.33	.....	First year operated	.....

*For entire line.

a Made up of the following items:

Renewal fund.....	10,000,000.00
Current Accounts Balance.....	9,686,861.18
Sinking Fund.....	27,590,564.87
Profit and loss.....	14,328,492.27

b Income account.

c Includes subscriptions to new stock of \$14,721,100.37.

IMPORTANT CHANGES MADE DURING YEAR— STATE OF MONTANA.

1. All extensions of Road put in Operation.
2. Decrease in Mileage by line abandoned or straightened.
3. All other important Physical Changes.
4. All Leases taken or surrendered.
5. All consolidations or Reorganizations effected.
6. All new Stocks issued.
7. All new Bonds issued.
8. All other important financial changes.

BUTTE, ANACONDA & PACIFIC RY.

- 1 Extension of spurs, 1.48 miles.

CHICAGO, BURLINGTON & QUINCY RY.

No changes.

GREAT NORTHERN RY.

6. Capital Stock issued under regulations of Board of Directors held September 23, 1905, \$200.00; For cash, \$20,000.00; in exchange for 90 shares St. Paul, Minneapolis & Manitoba Ry. stock, 11,250.00.

7. Northern Pacific—Great Northern joint Chicago, Burlington & Quincy collateral trust bonds issued \$800.00; G. N. Ry. proportion \$400.00.

8. Resolution of Board of Directors authorizing the issue of \$60,000,000.00 Capital Stock to provide funds to pay for additional equipment, additional terminals and facilities to existing lines, including second track mileage, and for reduction of grades and improvement of lines; also, for acquiring the stocks or bonds, or both, of sundry Railway Companies as the Board of Directors may deem necessary.

Subscriptions to this new stock June 30, 1907, \$34,616,212.00.

The following securities have been acquired during the year:

St. Paul Union Depot stock, \$3,600.00.

Half interest in \$400 C. B. & Q. stock.

Minnesota Transfer Railway Co.'s bonds, \$19,000.00.

Crows Nest Pass Coal Co. stock, \$355,400.00, par value.

St. Paul, Minneapolis & Manitoba stock, \$9,000.00. (As explained in item 6, above.)

The following securities have been sold during the year:

Great Northern Railway capital stock 413 1-2 shares.

Have received from Treasurer, Town of Sanders, \$408.00, towards redemption of bonds held by this Company.

Town of Minnesota Falls, bonds redeemed, \$1,000.00.

MONTANA CENTRAL RY.

No changes.

MONTANA RAILROAD.

3. Thirty-six miles of main line from Lombard being revised, both alignment and grade. Work not completed.

NORTHERN PACIFIC RY.

1. Elkhorn Branch transferred to operated mileage, 4.41 miles.

2. Cokedale Branch, track taken up, 2.19 miles.

6. See No. 8.

7. Prior Lien Bonds issued \$1,018,000.00.

St. Paul-Duluth Division, bonds purchased and canceled, \$39,000.00

Western R. R. of Minnesota, bonds redeemed at maturity, \$303,000.00

Minneapolis & Duluth R. R., bonds redeemed at maturity, \$279,400.00

Car Trust notes paid at maturity.....\$ 34,036.68

Net increase in mortgage debt.....\$357,563.32

8. Under date of December 12, 1906, the stockholders authorized an increase in the Capital Stock of 950,000 shares, 930,000 shares of which have been offered to the stockholders of December 31, 1906, at par. None of this stock will be issued before January, 1909, but payments have been received on subscriptions

OREGON SHORT LINE RAILROAD.

4. The properties owned by the following Companies were leased to the Oregon Short Line Railroad Co. on the following dates:

- St. Anthony R. R. Co., July 1, 1906.
- Salmon River R. R. Co., July 1, 1906.
- Wyoming Western R. R. Co., July 1, 1906.
- Malad Valley R. R. Co., July 1, 1906.
- Minnidoka & Southwestern R. R. Co., July 1, 1906.
- Yellowstone Park R. R. Co., July 1, 1906.
- Malheur Valley Ry. Co., Jan. 15, 1907.

YELLOWSTONE PARK RAILROAD.

No changes.

CONTRACTS, AGREEMENTS, ETC., AFFECTING BUSINESS WITHIN STATE OF MONTANA.

1. Express Companies.
2. Mails
3. Sleeping, Parlor or Dining Car Companies.
4. Freight or Transportation Companies or Lines.
5. Other Railroad Companies.
6. Steamboat or Steamship Companies.
7. Telegraph Companies.
8. Telephone Companies.
9. Other Contracts.

BUTTE, ANACONDA & PACIFIC RY.

1. Receive a percentage according to agreement with the Great Northern Express Company, the Northern Express Company and the Pacific Express Company.
2. Receive from the United States Government \$3,187.00 per annum for the transportation of mail.
4. Receive a percentage according to agreement with the Great Northern Railway the Northern Pacific Railway and the Oregon Short Line Railroad, on through freight and passenger business.
7. Receive a percentage according to agreement with the Western Union Telegraph Company on through telegraph business.

CHICAGO, BURLINGTON & QUINCY RY.

1. Adams Express Company.
2. Mails are transported at rates fixed by Act of Congress.
3. Pullman Company for Sleeping Cars.
5. Northern Pacific Railway, use of track from Huntley, Mont., to Billings, Mont.
7. Western Union Telegraph Company.

GREAT NORTHERN RY.

1. Contract with the Great Northern Express Company whereby they do all the express business upon lines operated by Great Northern Railway. The Railway Company receives a percentage of the gross earnings.
2. Mail Routes established by the United States and Canadian Governments according to law.
3. Operates its own sleeping, parlor and dining cars.
7. Western Union Telegraph Company and the Great Northwestern Telegraph Co. joint use of wires and transportation of labor and material account repairs—free.

MONTANA CENTRAL RY.

1. Contract with the Great Northern Express Co. whereby they do all express business over line operated by Montana Central Railway. The Railway Company receives a percentage of gross earnings.
2. Mail Route established by U. S. Postal Department.
3. Sleeping cars owned by the Great Northern Railway are run over this road.
7. Western Union Telegraph Co. License to string one wire on Railway Company's poles between Great Falls and Helena, Mont., also for joint use of wires and free transportation of men and material account repairs.

MONTANA RAILROAD.

1. Agreement with the Northern Express Company to accept through billing on one graduate, rates based on sum of locals.
2. Mail Route Contract No. 163,006 of United States Postal Department dated September 11, 1906, transportation of United States mail, Lombard to Lewistown, at \$87.21 per mile per annum.
5. Traffic contract with the Northern Pacific Railway Company, effective March 1, 1900.
9. Contract with McIntosh Brothers for construction of revised main line, Lombard to Mile 36. Contract with Spring Creek Coal Co. for fuel.

NORTHERN PACIFIC RY.

1. The Northern Express Company runs over all lines operated by this Company, paying a percentage of its gross earnings for the privilege.
2. U. S. Mails are carried by this Company at the rates of pay authorized by Act of Congress and under the rules of the Postal Department.
3. Standard Sleeping cars are owned jointly and equally by this Company and the Pullman Company, and the earnings and expenses are apportioned equally to the two companies.
5. Montana Central Railway, trackage rights Helena to Boomerang Butte, Anaconda & Pacific, lease of line Stuart to Anaconda. Chicago, Burlington & Quincy Railway, lease of line, Huntley to Billings. Oregon Short Line, lease of line Butte to Silver Bow, rental based on valuation.
7. Western Union Telegraph Company.

OREGON SHORT LINE RAILROAD.

1. Pacific Express Company. Oregon Short Line Railroad receives fifty per cent of the gross earnings of the Express Company.
2. Handled in accordance with rates fixed by Act of Congress.
3. Sleeping, Parlor and Dining Cars handled under contract with the Pullman Palace Car Company.
5. Receivers Union Pacific System, October 2, 1897, interchange of passenger and freight traffic, supplemental, October 2, 1897, January 12, 1898, March 12, 1898. Union Pacific Railroad Company: August 18, 1898, division of revenue on Butte interline freight traffic, November 24, 1900, division of revenue on lumber shipments from O. R. & N., November 24, 1900—traffic interchanged between U. P., O. S. L. and O. R. & N. (Sioux City to be common with Council Bluffs); November 27, 1900, division between U. P. and O. S. L. on lumber, etc., from Northern Pacific; March 5, 1901, division on coal traffic from Diamondville and Kemmerrer to points Ogden and South via U. P. and O. S. L., June 18, 1903, interchange of passenger and freight traffic.
- Rio Grande Western Railway Company May 1, 1897, formation Local Utah Railway Association May 29, 1897, interchange of passenger and freight traffic, supplemental, August 11, 1897.
- Oregon Railroad & Navigation Company, April 19, 1897, May 29, 1897, June 10, 1897, August 30, 1897, October 18, 1897, November 1, 1897, November 17, 1897,—interchange of freight and passenger traffic.
- Salt Lake & Mercur Railway, March 29, 1897, interchange of passenger traffic.
- Northern Pacific Railway Co., effective March 1, 1898, traffic right Silver Bow to Meaderville.
- Great Northern Railway, Oregon Railroad & Navigation Co., Union Pacific, November 24, 1900, traffic agreement covering freight and passenger business via Spokane Gateway.
- San Pedro, Los Angeles & Salt Lake Railroad Company, June 18, 1902; interchange of passenger and freight traffic.
7. Western Union Telegraph Co., April 22, 1898, supplemental Dec. 14, 1900, and Dec. 24, 1900, November 11, 1901.
8. Rocky Mountain Bell Telephone Co., June 1, 1897, June 8, 1900, June 17, 1902, April 1, 1905, May 28, 1905.
8. Utah Independent Telephone Co., July 23, 1905, Oct. 23, 1905, Oct. 24, 1905.

YELLOWSTONE PARK RAILROAD.

No contracts or agreements.

NUMBER OF EMPLOYEES—STATE OF MONTANA.

Name of Company	General Officers.....	Other Officers.....	General Office Clerks.....	Station Agents.....	Other Station Men.....	Enginemen.....	Firemen.....	Conductors	Other Trainmen.....	Machinists.....	Carpenters.....	Other Shopmen.....	Section Foremen.....	Other Trackmen.....	Switch Tenders, Crossing Tenders and Watchmen	Telegraph Operators and Dispatchers.....	Employees—account floating Equipment.....	All other Employes and Laborers.....	Total, including General Officers.....	Total, excluding General Officers.....	Total yearly compensation all Employees—State of Montana.....
B., A. & P. Ry..	7	8	7	7	33	35	41	10	109	16	15	69	13	173	11	10	10	38	602	595	460,871.75
C., B. & Q. Ry..	.....	.....	6	8	.....	11	18	6	12	24	25	146	27	34	1	10	.....	30	358	358	311,685.38
Gt. Northern Ry.	.....	2	.....	45	122	172	220	288	458	183	72	1,172	167	2,382	183	183	.....	473	5,939	5,939	2,671,249.79
Mont. Cent. Ry..	14	11	88	19	41	38	39	42	81	5	21	81	46	508	18	28	.....	106	1,179	1,165	2,621,965.87
Montana R. R....	2	3	13	7	21	10	13	9	21	9	11	34	19	175	4	4	.....	4	355	353	168,387.05
Nor. Pac. Ry....	1	9	91	97	348	233	233	268	775	316	446	663	280	3,689	37	251	.....	866	8,609	8,608	5,393,685.12
*O. S. L. R. R....	27	3	407	98	366	233	238	143	425	126	183	742	200	1,515	63	143	.....	1,195	6,109	6,082	*5,320,489.40
**Y. P. R. R....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total all lines.	51	36	612	281	931	732	802	768	1,881	679	773	2,913	752	8,476	130	629	.....	2,712	23,151	23,100	.....

**No data given in annual report.

Average Daily Compensation of Employees Shown Above.

B., A. & P. Ry.	9.23	7.23	4.87	3.35	2.99	4.74	3.15	4.35	3.784	61	3.73	3.01	2.73	1.87	2.74	3.42	.....	2.91	3.25	3.18	.....
C., B. & Q. Ry.	.....	.....	3.95	2.13	.....	4.69	2.73	4.86	2.184	11	2.51	2.62	1.98	1.74	2.33	2.43	.....	2.62	3.67	2.67	.....
Gt. Northern Ry.	.....	8.06	.....	2.48	1.81	4.35	2.8	3.66	2.323	61	2.85	2.67	1.95	1.62	2.32	2.43	.....	2.91	3.25	2.57	.....
Mont. Cent. Ry.	22.50	9.47	2.25	2.60	2.00	4.34	2.18	3.87	2.423	72	2.83	2.10	2.00	1.51	1.58	2.50	.....	2.33	2.21	2.24	.....
Montana R. R.	5.83	5.29	2.49	1.98	1.89	4.17	2.39	4.02	2.491	06	2.77	2.51	2.09	1.68	.....	2.25	.....	2.94	2.24	2.18	.....
Nor. Pac. Ry.	15.28	10.13	2.73	2.60	2.13	4.31	2.76	3.85	2.703	21	2.67	2.45	2.16	1.61	1.67	2.86	.....	1.93	2.29	2.28	.....
*O. S. L. R. R.	12.10	9.45	2.73	2.65	2.02	4.36	2.73	3.94	2.763	88	2.87	2.44	2.34	1.55	2.06	2.77	.....	2.26	2.40	2.36	.....
Yel. Park R. R.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Average daily compensation all employees shown above.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
*Figures given are for entire line.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

NUMBER OF EMPLOYEES STATE OF MONTANA—Continued.

DISTRIBUTION OF ABOVE.

	In General Administration		Maintenance of Way and Structures		Maintenance of Equipment		Conducting Transportation	
	No.	Av. daily wages	No.	Av. daily wages	No.	Av. daily wages	No.	Av. daily wages
B., A. & P. Ry.....	12	6.78	198	2.18	101	3.39	291	3.62
C., B. & Q. Ry.....	6	3.95	96	2.08	180	2.82	76	2.92
Great Northern Ry.....	2	8.06	2,621	1.89	1,355	2.83	1,961	2.70
Montana Central Ry.....	113	2.84	575	1.67	86	2.19	405	2.75
Montana Railroad.....	18	3.55	89	2.69	43	2.99	205	1.71
Northern Pacific Ry.....	125	3.42	4,853	1.80	1,393	2.45	2,238	2.90
*Oregon Short Line R. R.....	545	3.28	2,424	1.91	1,054	2.57	2,086	2.78
**Yellowstone Park R. R.....	.....	.....	.....	.....	.....	.....	.....	.....

*Figures given are for entire line.

**No data given.

TRAFFIC AND MILEAGE STATISTICS STATE OF MONTANA AND ENTIRE LINE.

Number of Passengers, Car Mileage, Tonnage, Etc.

Name of Company	Number of Passengers carried earning revenue		Number of Passengers carried one mile		Number of Passengers carried 1 mile per mile of line		Average Distance carried—miles	
	Montana	Entire Line	Montana	Entire Line	Montana	Entire Line	Montana	Entire Line
B. A. & P. Ry.....	204,214	204,214	3,932,291	3,932,291	54,074	54,074	19.26	19.26
*C. B. & Q. Ry.....	.....	4,024,256	.....	353,808,515	.....	81,197	.....	87.92
Great Northern Ry....	194,414	5,275,266	10,237,989	418,678,415	10,071	80,107	53.20	79.37
Montana Central Ry....	264,648	264,648	13,707,680	13,707,680	54,114	54,114	51.80	51.80
Montana Railroad.....	35,695	35,695	2,475,044	2,475,044	15,765	15,765	69.34	69.34
**Northern Pac. Ry....	1,125,446	6,953,424	195,538,013	722,745,259	140,565	132,768	173.74	103.94
***Oregon Short Line..	.....	1,484,275	.....	140,310,323	.....	100,696	.....	94.53
Yellowstone Park R. R.	2,763	2,763	30,393	30,393	1,381	1,381	11.	11.

Name of Company	Number tons carried of freight earning revenue		Number of tons carried one mile		Number of tons carried one mile per mile of road		Average Distance haul of one ton	
	Montana	Entire Line	Montana	Entire Line	Montana	Entire Line	Montana	Entire Line
B. A. & P. Ry.....	4,952,696	4,952,696	132,770,055	132,770,055	1,825,770	1,825,770	26.81	26.81
*C. B. & Q. Ry.....	.....	9,571,655	.....	2,138,204,277	.....	490,703	.....	223.39
Great Northern Ry....	178,247	18,221,120	30,521,066	4,920,792,956	29,748	941,512	171.20	270.06
Montana Central Ry....	2,613,062	2,613,062	299,864,239	299,864,239	1,183,784	1,183,784	114.76	114.76
Montana Railroad.....	66,616	66,616	8,533,440	8,533,440	54,354	54,354	128.10	128.10
**Northern Pac. Ry....	4,220,998	16,741,470	1,818,017,751	5,504,444,098	1,306,902	1,011,164	430.71	328.79
***Oregon Short Line..	.....	5,138,513	.....	1,498,521,018	.....	1,075,434	.....	291.63
Yellowstone Park R. R.	63,722	63,722	1,538,744	1,538,744	61,549	61,549	24.14	24.14

TRAFFIC AND MILEAGE STATISTICS—Continued

Name of Company	Mileage of Passenger Cars		Average number of Passenger cars per train—mile		Average number of Passengers per train mile		Average Mileage operated during year	
	Montana	Entire Line	Montana	Entire Line	Montana	Entire Line	Montana	Entire Line
B., A. & P. Ry.....	285,375	285,375	3.20	3.20	44	44	72.72	72.72
*C., B. & Q. Ry.....	34,078,952	34,078,952	.....	.....	.....	58	4,357.43	4,357.43
Great Northern Ry...	43,897,055	43,897,055	6.96	5.62	.....	54	5,226.48	5,226.48
Montana Central Ry...	1,163,929	1,163,929	3.92	3.92	not given	46	253.31	253.31
Montana Railroad.....	292,376	292,376	3.12	3.12	27	27	157.00	157.00
**Northern Pacific Ry.	18,141,756	62,717,222	7.25	6.48	78	75	1,391.09	5,443.67
***Oregon Short Line.	.....	14,753,567	.....	6.62	.....	63	1,393.41	1,393.41
Yellowstone Park R. R.	.....	.....	.....	.....	.....	.....	25.00	25.00
Name of Company	Mileage of loaded freight cars North or East		Mileage of loaded freight cars South or West		Mileage of empty freight cars North or East		Mileage of empty freight cars South or West	
	Montana	Entire Line	Montana	Entire Line	Montana	Ent. Line	Montana	Ent. Line
B., A. & P. Ry.....	233,837	233,837	1,896,813	1,896,813	1,820,307	1,820,307	141,530	141,530
*C., B. & Q. Ry.....	132,589,510	132,589,510	.....	Inc. with N or E	47,535,762	47,535,762	Incl. with N. or E.	56,221,158
Gt. Northern Ry.....	30,064,128	135,856,628	23,900,455	110,227,612	2,650,591	21,668,958	12,003,758	3,753,306
Montana Central Ry...	5,426,998	5,426,998	3,254,174	3,254,174	1,638,236	1,638,236	3,753,306	141,453
Montana Railroad.....	365,420	365,420	264,303	264,303	58,627	58,627	18,560,456	49,941,843
**Northern Pac. Ry...	53,929,568	157,186,958	44,998,033	152,817,801	5,438,244	32,772,942	.....	12,356,549
***Oregon Short Line.	.....	30,373,460	.....	33,854,083	.....	14,861,149	36,669	36,669
Yellowstone Park R. R.	44,550	44,550	7,881	7,881	.....	.....	.....	.....

TRAFFIC AND MILEAGE STATISTICS—Continued

Name of Company	Mileage of Loco-motives employed in "helping" mixed and freight trains		Percentage of "helping" to revenue train mileage		Total revenue Train Mileage		Mileage of Non-Revenue Trains	
	Montana	Ent. Line	Mont.	Ent. Line	Montana	Ent. Line	Montana	Ent. Line
Butte, Anaconda & Pacific Ry.....	.....	.....	.....	.....	244,427	244,427	629	629
*Chicago, Burlington & Quincy Ry.....	535,751	.....	.....	8.54%	11,398,019	11,398,019	.....	58,888
Great Northern Ry.....	243,005	.....	.....	2.90%	16,073,012	16,073,012	.....	1,641,724
Montana Central Ry.....	65,869	.....	3.70%	15.00%	3,143,566	726,117	205,589	25,558
Montana Railroad.....	68,346	1,104	15.00%	7.63%	726,117	144,598	25,558	8,991
**Northern Pacific Ry.....	1,104	2,843,369	7.63%	21.01%	144,598	22,454,823	8,991	2,412,726
***Oregon Short Line.....	1,096,032	167,011	36.93%	5.71%	6,220,941	5,157,837	373,910	196,796
Yellowstone Park R. R.....	.....	.....	.....	.....	.....	26,602	.....	4,302

*Figures given are for line West of Missouri River.

**Figures given also include figures apportioned to Montana on interstate traffic.

***Figures given are for the entire line.

Name of Company	Total Passenger Revenue		Average Amount received from each Passenger		Aver. receipts per Passenger per mile		Total Passenger Earnings	
	Montana	Ent. Line	Montana	Ent. Line	Mont.	Entire Line	Montana	Ent. Line
Butte, Anaconda & Pacific Ry.....	105,740.90	.....	\$ .51779	\$.51779	2.689c	2.689c	119,984.20	119,984.20
*Chicago, Burl. & Quincy Ry.....	7,114,150.25	.....	.....	1.76779	.....	2.011c	.....	8,736,518.43
Great Northern Ry.....	9,844,257.63	.....	1.52000	1.86612	2.852c	2.351c	320,961.29	12,381,184.11
Montana Central Ry.....	392,071.27	.....	1.48148	1.48148	2.868c	2.868c	447,606.34	447,606.34
Montana Railroad.....	117,558.40	.....	3.29341	3.29341	4.748c	4.748c	144,938.27	144,938.27
***Northern Pacific Ry.....	4,383,518.50	16,330,874.62	3.89492	2.34861	2.242c	2.242c	5,263,215.91	19,192,007.92
***Oregon Short Line.....	.....	3,366,615.22	.....	2.26819	.....	2.399c	.....	4,133,312.56
Yellowstone Park R. R.....	1,381.50	1,381.50	.50000	.50000	4.545c	4.545c	1,381.50	1,381.50

TRAFFIC AND MILEAGE STATISTICS—Continued

Revenue and Rates—Continued.							
Name of Company	Passenger Earnings per mile of road		Passenger Earnings per train mile		Total Freight Revenue		Average amount received for each ton of freight
	Montana	Ent. Line	Montana	Ent. Line	Montana	Ent. Line	
B. A. & P. Ry.	1,649.94	1,649.94	\$1.34597	\$1.34597	1,134,616.16	\$ 1,134,616.16	\$.22908
*C. B. & Q. Ry.	.....	2,002.67	.....	1.43915	.....	21,749,486.19	2,27228
Gt. Northern Ry.	.....	2,368.93	.....	1.60791	.....	37,175,730.02	2,04025
Mont. Centr. Ry.	312.83	1,767.03	not given	1.50921	456,215.39	2,356,733.55	.90190
Montana R. R.	1,767.03	923.17	1.55358	1.55358	295,994.35	4,44320	2,84732
*N. Pac. Ry.	3,783.52	3,525.56	2.10454	1.98397	14,429,172.64	47,668,243.59	3.41843
**O. S. L.	.....	2,951.98	.....	1.84436	.....	12,853,101.26	2.50133
Yel. Park R. R.	62.79	62.79	.....	.....	37,290.65	37,290.65	.58521
Name of Company	Freight Earnings per mile of road		Freight Earnings per train mile		Gross Earnings from operation		Gross Earnings from operation per mile of road
	Montana	Ent. Line	Montana	Ent. Line	Montana	Ent. Line	
B. A. & P. Ry.	\$ 15,602.53	\$ 15,602.53	\$7.50671	\$7.50671	\$ 1,622,234.29	1,622,234.29	17,357.73
*C. B. & Q. Ry.	.....	4,993.70	.....	3.46746	.....	30,819,194.36	7,079.68
Gt. N. Ry.	.....	7,121.97	.....	4.24780	.....	50,208,035.10	9,606.47
Mont. Centr. Ry.	9318.01	9,318.01	5.00839	5.00839	2,889,405.03	11,406.60	11,406.60
Montana R. R.	1,896.19	1,896.19	3.37584	3.37584	445,335.40	2,836.54	2,836.54
**N. P. Ry.	10,386.81	8,798.33	3.64183	3.53936	19,909,286.13	68,447,453.65	12,573.77
*O. S. L. R. R.	.....	9,224.21	.....	4.14354	.....	17,196,118.71	12,341.03
Yel. Park R. R.	1,491.63	1,491.63	1.40180	1.40180	38,706.55	38,706.55	1,548.26

TRAFFIC AND MILEAGE STATISTICS—Continued

Revenue and Rates—Continued.

Name of Company	Gross Earnings from operation per train mile		Operating Expenses		Operating Expenses per mile of road		Operating Expenses per train mile	
	Montana	Ent. Line	Montana	Ent. Line	Montana	Ent. Line	Montana	Ent. Line
B., A. & P. Ry.....	\$5.16413	\$5.16413	\$ 900,117.83	\$ 900,117.83	\$ 12,377.85	\$ 12,377.85	\$3.68256	\$3.68256
*C., B. & Q. Ry.....	2.70654	.....	19,300,176.95	.....	4,429.26	4,429.26	.....	1.69329
Great Northern Ry. not given	3.12324	.....	29,446,886.30	.....	5,284.91	5,634.17	1.72498	1.83115
Mont. Central Ry.....	3.97926	.....	1,490,655.43	1,490,655.43	5,884.71	5,884.71	2.05291	2.05291
Montana Railroad.....	3.07982	.....	252,558.27	252,558.27	1,608.65	1,608.65	1.74662	1.74662
**N. P. Ry.....	3.04823	.....	37,601,938.12	37,601,938.12	7,210.76	6,907.46	1.61243	1.67456
**O. S. L. R. R.....	3.33411	.....	7,352,328.94	7,352,328.94	964.66	5,276.50	.....	1.42552
Yel. Park R. R.....	1.45502	.....	24,116.64	24,116.64	.....	964.66	.91033	.91033
Name of Company	Income from Operation		Income from Operation per mile of road		Average Receipts per ton per mile			
	Montana	Ent. Line	Montana	Ent. Line	Montana	Ent. Line		
Butte, Anaconda & Pacific Ry.....	\$ 271,228.51	\$ 271,228.51	\$ 3,729.76	\$ 3,729.76	.00854	.00854		
*Chicago, Burl. & Quincy Ry.....	.....	11,549,017.41	.....	2,650.42	.....	.01017		
Great Northern Ry.....	not given	20,761,168.80	not given	3,972.30	.01495	.00755		
Montana Central Ry.....	1,398,749.60	1,398,749.60	5,521.89	5,521.89	.00786	.00786		
Montana Railroad.....	192,777.13	192,777.13	1,227.88	1,227.88	.03469	.03469		
**Northern Pacific Ry.....	9,878,459.69	30,845,515.53	7,101.24	5,666.31	.00794	.00866		
**Oregon Short Line.....	.....	9,843,789.77	.....	7,064.53	.....	.00858		
Yellowstone Park Railroad.....	14,589.91	14,589.91	583.59	583.59	.02423	.02423		

*Figures given are for the line West of Missouri River.

**Figures include those apportioned to Montana.

***Figures given are for the entire line.

FREIGHT TRAFFIC MOVEMENT—STATE OF MONTANA.

(Company's Material Excluded.)

Whole Tons of Freight Originating on Roads Named.

Products of Agriculture	B., A. P. Ry	*C. B. & Q.	**G. N. Ry.	**M. C. Ry	Mont. R. R.	N. P. Ry.	**O. S. L.	Y. P. R.
Grain	119	.....	.....	.....	7,147	66,330	102,916	1,273
Flour .....	.....	.....	.....	.....	447	37,920	14,880	.....
Other Mill Products.....	73	.....	.....	.....	54	8,331	12,916	.....
Hay	1,803	.....	.....	.....	1,666	52,237	41,980	814
Tobacco .....	.....	.....	.....	.....	.....	.....	.....	.....
Cotton .....	.....	.....	.....	.....	.....	.....	.....	.....
Fruit and vegetables.....	304	.....	.....	.....	.....	94,493	293,553	.....
Other Products of Agriculture.....	.....	.....	.....	.....	.....	5,666	879	.....
Total	2,299	.....	.....	.....	9,314	262,577	467,124	2,087
Products of Animals								
Live stock	4,502	.....	.....	.....	7,358	132,711	141,471	.....
Dressed meats	1,350	.....	.....	.....	.....	705	2,526	.....
Other Packing House products.....	117	.....	.....	.....	.....	4,510	120	.....
Poultry, game and fish.....	28	.....	.....	.....	.....	26,394	389	.....
Wool .....	.....	.....	.....	.....	3,127	14,329	14,370	.....
Hides and leather.....	245	.....	.....	.....	160	3,886	2,518	.....
Other products of animals.....	.....	.....	.....	.....	.....	.....	1,650	.....
Total	6,242	.....	.....	.....	10,645	182,235	163,044	.....
Products of Mines								
Anthracite coal .....	.....	.....	.....	.....	.....	5,898	113	.....
Bituminous coal	12,550	.....	.....	.....	1,115	266,753	1,407,183	58,015
Coke	34	.....	.....	.....	.....	55,880	381	.....
Ores	3,126,394	.....	.....	.....	149	268,327	32,506	.....
Stone, sand and other like articles	701,665	.....	.....	.....	1,160	59,372	126,576	39
Other products of mines.....	.....	.....	.....	.....	.....	.....	79,973	.....
Total	3,840,643	.....	.....	.....	2,424	656,230	1,646,732	58,054

FREIGHT TRAFFIC MOVEMENT—Continued
(Company's Material Excluded)

	B. A. P. Ry.	*C. B. & Q.	**G. N. Ry.	**M. C. Ry	Mont. R. R.	N. P. Ry.	**O. S. L.	Y. P. R.
Products of Forests								
Lumber	2,041				1,212	1,468,293	36,138	.....
Other products of forests.....	25,605				.....	199,786	8,133	.....
Total	27,646				1,212	1,668,079	44,271	.....
Manufactures								
Petroleum and other oils.....	56				.....	9,905	106	.....
Sugar .....					.....	9,830	42,672	.....
Naval stores .....					.....	.....	30	.....
Iron, pig and bloom.....	1,674				.....	490	6,798	.....
Iron and steel rails.....	404				.....	87,227	4,688	.....
Other castings and machinery...	1,708				3,600	60,495	4,290	.....
Bar and sheet metal.....	77				204	21,351	234	.....
Cement, brick and lime.....	10,332				208	59,584	48,394	.....
Agricultural implements					14	10,249	750	.....
Wagons, carriages, tools, etc. ....					.....	8,653	531	.....
Wines, liquors and beers.....	1,021				.....	12,341	2,782	.....
Household goods and furniture...	157				.....	8,708	1,494	.....
Other manufactures	***85,562				.....	49,770	3,422	.....
Total	100,991				4,068	338,823	116,251	.....
Merchandise	5,621				3,308	.....	106,887	144
Miscellaneous:								
Other commodities not mentioned								
above	22,244				816	545,454	27,547	.....
Total Tonnage—Montana.....	4,005,686				31,787	3,653,398	.....	60,285
Total Tonnage—Entire Line...	4,005,686				31,787	13,717,509	2,571,856	.....

*Line West of Missouri River. Data not furnished.

**Data not available.

***Covers entire line.

****Copper.

FREIGHT TRAFFIC MOVEMENT—Continued
 (Company's Material Excluded)
Freight Received from Connecting Roads and Other Carriers.

Products of Agriculture	B., A. P. Ry.	*C. B. & Q.	**G. N. Ry.	**M. C. Ry	Mont. R. R.	N. P. Ry.	***O. S. L.	Y. P. R.
Grain	6,374	.....	.....	.....	2,818	37,313	22,320	39
Flour	1,671	.....	.....	.....	124	7,749	7,312	61
Other millstuffs	3,343	.....	.....	.....	81	7,663	6,769	.....
Hay	8,100	.....	.....	.....	221	4,355	1,384	.....
Tobacco .....	.....	.....	.....	.....	.....	.....	382	.....
Cotton .....	.....	.....	.....	.....	.....	.....	143	.....
Fruit and vegetables	6,763	.....	.....	.....	488	6,031	92,091	.....
Other products of agriculture .....	.....	.....	.....	.....	.....	660	20,366	.....
Total	26,251	.....	.....	.....	3,732	56,711	150,767	100
Products of Animals								
Live stock	1,111	.....	.....	.....	905	25,203	21,402	.....
Dressed meats	173	.....	.....	.....	.....	4,077	773	.....
Other Packing House products	553	.....	.....	.....	295	9,906	13,388	.....
Poultry, game and fish .....	.....	.....	.....	.....	.....	2,194	20,254	.....
Wool .....	.....	.....	.....	.....	.....	2,432	8732	.....
Hides and leather .....	.....	.....	.....	.....	.....	415	4,356	.....
Other products of animals .....	.....	.....	.....	.....	.....	.....	4,343	.....
Total	1,837	.....	.....	.....	1,200	44,227	73,248	.....
Products of Mines								
Anthracite coal	28	.....	.....	.....	.....	.....	181	.....
Bituminous coal	601,613	.....	.....	.....	1,204	231,101	372,423	.....
Coke	217,103	.....	.....	.....	.....	29,836	153,169	.....
Ores	42,643	.....	.....	.....	.....	30,332	422,089	.....
Stone, sand and other like articles	4,256	.....	.....	.....	10	1,070	9,173	.....
Other products of mines .....	.....	.....	.....	.....	.....	.....	73,667	.....
Total	865,643	.....	.....	.....	1,214	292,399	1,030,702	.....

FREIGHT TRAFFIC MOVEMENT—Continued
(Company's Material Excluded)

	B., A. P. Ry.	*C. B. & Q.	**G. N. Ry.	**M. C. Ry	Mont. R. R.	N. P. Ry.	**O. S. L.	Y. P. R.
Products of Forests								
Lumber	10,506	.....	.....	.....	11,056	19,588	696,151	1,303
Other products of forests.....	3,828	.....	.....	.....	.....	368	849	57
Total	14,334	.....	.....	.....	11,056	19,956	697,000	1,360
Manufacturers								
Petroleum and other oils.....	1,065	.....	.....	.....	337	3,006	12,829	.....
Sugar	2,178	.....	.....	.....	398	597	17,354	.....
Naval stores	1,225	.....	.....	.....	.....	.....	7,339	.....
Iron, pig and bloom.....	584	.....	.....	.....	398	913	69,494	.....
Iron and steel rails.....	3,802	.....	.....	.....	1,27	8,919	71,638	754
Other castings and machinery....	2,396	.....	.....	.....	1,395	5,557	31,190	222
Bar and sheet metal.....	5,441	.....	.....	.....	732	1,834	71,254	.....
Cement, brick and lime.....	39	.....	.....	.....	695	29,895	13,717	87
Agricultural implements.....	30	.....	.....	.....	84	1,445	17,652	12
Wagons, carriages, tools, etc.....	1,318	.....	.....	.....	145	682	19,503	.....
Wines, liquors and beers.....	231	.....	.....	.....	409	476	28,928	37
Household goods and furniture..	***45	.....	.....	.....	142	3,272	115,439	102
Other manufactures.....		.....	.....	.....	.....	17,752	.....	.....
Total	18,354	.....	.....	.....	4,862	78,588	469,480	1,214
Merchandise	3,652	.....	.....	.....	9,257	.....	125,290	718
Miscellaneous:								
Other commodities not mentioned	16,939	.....	.....	.....	3,508	75,719	20,170	45
above .....		.....	.....	.....	.....	.....	.....	.....
Total Tonnage—Montana.....	947,010	.....	.....	.....	34,829	567,600	.....	.....
Total Tonnage—Entire Line.	947,010	.....	.....	.....	34,829	3,023,961	2,566,657	3,437

*Line West of Missouri River. Data not furnished.

**Data not available.

***Entire Line.

****Copper.

FREIGHT TRAFFIC MOVEMENT—STATE OF MONTANA.

(Company's Material Excluded)

Total Freight Tonnage.

	B., A. & P. Ry.		*C., B. & Q. Ry.		**G. N. Ry.	
Products of Agriculture	Tons	Perct.	Tons	Perct.	Tons	Perct.
Grain	6,493	.13			2,795,673	15.35
Flour	1,671	.03			356,057	1.95
Other millstuffs.....	3,416	.07			153,269	.84
Hay	9,903	.20			110,188	.60
Tobacco						
Cotton						
Fruit and vegetables.....	7,607	.14			150,906	.84
Other products of agriculture.....					399,198	2.19
Total	28,550	.57			3,965,291	21.77
Products of Animals						
Live stock.....	5,613	.13			191,889	1.05
Dressed Meats.....	1,523	.03			13,854	.07
Other Packing House products	670	.01			917	.....
Poultry, game and fish.....	28				1,676	.01
Wool					9,289	.05
Hides and leather.....	245				3,708	.02
Other products of animals.....					1,145	.01
Total	8,079	.17			222,438	1.21
Products of Mines						
Anthracite coal	28				366,127	2.01
Bituminous coal	614,163	12.40			1,038,424	5.70
Coke	217,137	4.38			180,364	.99
Ores	3,169,037	63.99			7,624,525	41.82
Stone, sand and other like articles	705,921	14.26			196,959	1.08
Other products of mines.....					28,704	.15
Total	4,706,286	95.03			9,435,103	51.75
Products of Forests						
Lumber	12,547	.25			1,460,907	8.02
Other products of forests.....	29,433	.59			1,238,417	6.78
Total	41,980	.84			2,699,324	14.80
Manufactures						
Petroleum and other oils.....	1,121	.02			46,186	.25
Sugar	2,178	.04				
Naval stores						
Iron, pig and bloom.....	2,899	.06			28,952	.16
Iron and steel rails.....	988	.02			119,664	.66
Other castings and machinery.	5,510	.11			94,808	.51
Bar and sheet metal.....	2,473	.05			156,101	.85
Cement, brick and lime.....	15,773	.32			207,413	1.17
Agricultural implements.....	39				72,268	.40
Wagons, carriages, tools, etc.	30				17,032	.10
Wines, liquors and beers....	2,339	.05			48,577	.27
Household goods and furniture	388	.01			21,443	.12
Other manufactures	85,607	1.73			108,613	.60
Total	119,345	2.41			921,057	5.09
Merchandise	9,273	.19			538,137	2.95
Miscellaneous:						
Other commodities not mentioned above.....	39,183	.79			444,656	2.43
Total Tonnage—Montana....	4,952,696	100.00				
Total Tonnage—Entire Line	4,952,696	100.00			18,226,006	100.00

*Line West of Missouri River—Data not furnished.

**Figures are for entire line.

***Entire Line.

FREIGHT TRAFFIC MOVEMENT—STATE OF MONTANA.

(Company's Material Excluded)

Total Freight Tonnage.

Mont. Cent. Ry.		Mont. R. R.		N. P. Ry.		***O. S. L. R. R.		Y. P. R. R.	
Tons	Perct.	Tons	Perct.	Tons	Perct.	Tons	Perct.	Tons	Perct.
8,629	.33	9,965	14.96	104,243	2.47	125,236	2.44	1,312	2.07
2,630	.10	571	.86	38,669	.92	22,192	.43	61	.09
1,915	.07	135	.20	15,934	.38	19,685	.38	.....	.....
9,475	.07	1,887	2.83	56,592	1.34	43,364	.84	814	1.28
.....	.....	.....	.....	.....	.....	382	.01	.....	.....
.....	.....	.....	.....	.....	.....	143	.....	.....	.....
3,667	.15	488	.73	100,524	2.38	385,644	7.50	.....	.....
569	.01	.....	.....	3,326	.08	21,245	.42	.....	.....
26,885	1.02	13,046	19.58	319,288	7.57	617,891	12.02	2,187	3.44
19,215	.74	8,263	12.40	157,914	3.74	162,873	3.17	.....	.....
266	.01	.....	.....	4,722	.11	3,299	.06	.....	.....
116	.....	295	.44	14,416	.34	13,508	.27	.....	.....
20	.....	.....	.....	28,588	.68	20,643	.40	.....	.....
557	.02	3,127	4.70	16,521	.39	23,102	.45	.....	.....
385	.01	160	.24	4,301	.10	6,874	.13	.....	.....
.....	.....	.....	.....	.....	.....	5,993	.12	.....	.....
20,559	.78	11,845	17.78	226,462	5.36	236,292	4.60	.....	.....
81	.....	.....	.....	5,898	.14	294	.01	.....	.....
894,236	34.22	2,319	3.48	497,854	11.79	1,779,606	34.63	58,015	91.05
23,281	.89	.....	.....	85,716	2.03	153,550	2.99	.....	.....
1,240,571	47.47	149	.22	298,719	7.08	454,595	8.85	.....	.....
235,176	9.00	1,170	1.76	60,442	1.43	135,749	2.65	39	.06
882	.03	.....	.....	.....	.....	153,640	2.98	.....	.....
2,394,227	91.61	3,638	5.46	948,629	22.47	2,677,434	52.11	58,054	91.11
40,595	1.55	12,268	18.42	1,487,881	35.25	732,289	14.25	1,303	2.04
18,365	.70	.....	.....	200,154	4.74	8,982	.18	57	.09
58,960	2.25	12,268	18.42	1,688,035	39.99	741,271	14.43	1,360	2.13
1,232	.05	337	.51	12,911	.31	12,935	.25	.....	.....
.....	.....	398	.60	10,427	.25	60,026	1.17	.....	.....
.....	.....	.....	.....	.....	.....	173	.....	.....	.....
1,593	.06	398	.60	1,403	.03	14,137	.28	.....	.....
13,169	.50	3,727	5.60	96,156	2.28	74,182	1.44	754	1.18
5,741	.20	1,599	2.40	65,962	1.56	75,928	1.48	222	.34
25,105	.96	774	1.16	23,185	.55	31,484	.61	.....	.....
6,524	.25	903	1.35	89,479	2.12	119,647	2.33	87	.13
372	.01	98	.15	11,694	.28	14,468	.28	12	.02
448	.02	145	.22	9,645	.23	18,183	.35	.....	.....
4,882	.19	409	.61	17,047	.40	15,285	.30	37	.06
1,183	.05	142	.21	11,980	.28	30,422	.59	102	.16
5,426	.21	.....	.....	67,522	1.60	118,861	2.31	.....	.....
65,675	2.50	8,930	13.43	417,411	9.89	585,731	11.39	1,214	1.89
20,910	.80	12,565	18.86	.....	.....	232,177	4.52	862	1.35
25,846	1.04	4,324	6.49	621,173	14.72	47,717	.93	45	.08
2,613,062	100.00	66,616	100.00	4,220,998	100.00	5,138,513	.....	63,722	100.00
2,613,062	100.00	66,616	100.00	16,741,470	100.00	.....	100.00	63,722	100.00

DESCRIPTION OF EQUIPMENT.

BUTTE, ANACONDA & PACIFIC RY.

Item	No. added during year	Total No. at end of year	Equipment Fitted With		
			Train brake		Automatic coupler
			No.	Name	No.
LOCOMOTIVES—Owned and Leased					
Passenger		2	2	Westinghouse A. B.....	2
Freight	2	11	11	Westinghouse A. B.....	11
Switching	2	10	10	Westinghouse A. B.....	10
Total Locomotives in service	4	23	23	.....	23
Less locomotives leased					
Total locomotives owned	4	23	23	.....	23
CARS—Owned and Leased In Passenger Service					
First class cars.....		9	9	Westinghouse A. B.....	9
Second class cars.....		1	1	Westinghouse A. B.....	1
Combination cars		1	1	Westinghouse A. B.....	1
Emigrant cars					
Dining cars					
Parlor Cars					
Sleeping cars.....					
Baggage, express and postal cars		2	2	Westinghouse A. B.....	2
Other cars in passenger service					
Total	75	13	13	.....	13
In Freight Service					
Box cars		45	45	Westinghouse A. B.....	45
Flat cars		95	95	New York A. B.....	95
Stock cars					
Coal cars					
Tank cars					
Refrigerator cars		1	1	Westinghouse A. B.....	1
Other cars in freight Service	75	538	538	Westinghouse A. B.....	538
Total	75	679	679	.....	679
In Company's Service					
Officers' and pay cars					
Gravel cars		1	1	New York A. B.....	1
Derrick cars.....		1	1	Westinghouse A. B.....	1
			2	Westinghouse A. B.....	
Caboose cars		5	3	No A. B.....	5
			13	New York A. B.....	
Other road cars.....		29	16	Westinghouse A. B.....	29
Total		36	36	.....	36
Total cars in service		728	728	.....	728
Less leased cars.....					
Total cars owned		728	728	.....	728
Cars contributed to fast freight line service.....					

DESCRIPTION OF EQUIPMENT.
CHICAGO, BURLINGTON & QUINCY RY.

Item	No. added during year	Total No. at end of year	Equipment Fitted With		
			Train brake		Automatic coupler
			No.	Name	No.
LOCOMOTIVES—Owned and Leased					
Passenger		351	327	Westinghouse A. B.....	327
Freight	142	922	886	Westinghouse & N. Y....	886
Switching	31	302	285	Westinghouse A. B.....	285
Total Locomotives in service	173	1,575	1,498	.....	1,498
Less Locomotives leased					
Total locomotives owned	173	1,575	1,498	.....	1,498
CARS—Owned and Leased In Passenger Service					
First class cars					
Second Class Cars		638	634	Westinghouse A. B.....	634
Combination cars		228	226	Westinghouse A. B.....	226
Emigrant cars					
Dining cars	4	28	28	Westinghouse A. B.....	28
Parlor Cars		7	7	Westinghouse A. B.....	7
Sleeping cars					
Baggage, express and postal cars		227	222	Westinghouse A. B.....	222
Other cars in passenger service		28	24	Westinghouse A. B.....	24
Total	4	1,156	1,141	Westinghouse A. B.....	1,141
In Freight Service					
Box cars	131	24,639	21,909	Westinghouse & N. Y....	22,858
Flat cars		2,728	1,259	Westinghouse A. B.....	1,611
Stock cars		6,662	6,239	Westinghouse A. B.....	6,247
Coal cars	232	11,161	9,410	Westinghouse & N. Y....	9,766
Tank cars		1	1	Westinghouse A. B.....	1
Refrigerator Cars	30	1,551	1,525	Westinghouse & N. Y....	1,525
Other cars in freight service		98	91	Westinghouse A. B.....	91
Total	393	46,840	40,434	.....	42,099
In Company's Service					
Officers' and pay cars		29	29	Westinghouse A. B.....	29
Gravel cars		500	490	Westinghouse A. B.....	490
Derrick cars		29	21	Westinghouse A. B.....	27
Caboose cars	32	599	58	Westinghouse A. B.....	576
Other road cars	193	1,754	648	Westinghouse A. B.....	1,447
Total	225	2,911	1,246	.....	2,569
Total cars in service..	622	50,907	42,821	.....	45,809
Less leased cars					
Total cars owned.....		50,907	42,821	.....	45,809
Cars contributed to fast freight line service					

DESCRIPTION OF EQUIPMENT.

GREAT NORTHERN RY.

Item	No. added during year	Total No. at end of year	Equipment Fitted With		
			Train brake		Automatic coupler
			No.	Name	No.
LOCOMOTIVES—Owned and Leased					
Passenger	2	169	169	Cannot state	169
Freight	145	629	629	Cannot state	629
Switching	8	89	89	Cannot state	89
Hydraulic service.....		2	2	Cannot state	2
Total Locomotives in service	155	889	889	Cannot state	889
Less locomotives leased.....					
Total locomotives owned	155	889	889		889
CARS—Owned and Leased In Passenger Service					
First class cars.....	47	285	282	Cannot state	282
Second Class Cars.....					
Combination cars		26	24	Cannot state	24
Emigrant cars.....					
Dining cars	1	24	24	Cannot state	24
Parlor cars	8	21	21	Cannot state	21
Sleeping cars	5	85	81	Cannot state	81
Baggage, express and postal cars	23	168	164	Cannot state	164
Other cars in passenger service		10	10	Cannot state	10
Total	84	619	606	Cannot state	606
In Freight Service					
Box cars	2,181	23,540	23,209	Cannot state	23,209
Flat cars		3,875	3,724	Cannot state	3,724
Stock cars	800	2,008	1,893	Cannot state	1,893
Coal cars					
Tank cars					
Refrigerator cars	3	609	607	Cannot state	607
Other cars in freight service	2,473	5,861	5,824	Cannot state	5,824
Total	5,457	35,893	35,257	Cannot state	35,257
In Company's Service					
Officers' and pay cars.....		22	22	Cannot state	22
Gravel cars		278	278	Cannot state	278
Derrick cars	5	65	60	Cannot state	60
Caboose cars	30	449	403	Cannot state	403
Other road cars.....	94	454	404	Cannot state	404
Total	129	1,268	1,167	Cannot state	1,167
Total cars in service..	5,670	37,780	37,030	Cannot state	37,030
Less leased cars.....					
Total cars owned and leased	5,670	37,780	37,030		37,030
Cars contributed to fast freight line service.....					

DESCRIPTION OF EQUIPMENT.

MONTANA CENTRAL RY.

Item	No. added during year	Total No. at end of year	Equipment Fitted With		
			Train brake	Automatic coupler	
			No.	Name	No.
LOCOMOTIVES—Owned and Leased					
Passenger	5	5	5	Cannot state	5
Freight	20	20	20	Cannot state	20
Switching	9	9	9	Cannot state	9
Total Locomotives in service		34	34	Cannot state	34
Less locomotives leased.					
Total locomotives owned		34	34	Cannot state	34
CARS—Owned and Leased In Passenger Service					
First class cars	7	7	7	Cannot state	7
Second class cars	2	2	2	Cannot state	2
Combination cars					
Emigrant cars					
Dining cars					
Parlor cars					
Sleeping cars					
Baggage, express and postal cars	4	4	4	Cannot state	4
Other cars in passenger service					
Total		13	13	Cannot state	13
In Freight Service					
Box cars	83	83	83	Cannot state	83
Flat and coal cars	699	699	699	Cannot state	699
Stock cars	42	42	42	Cannot state	42
Coal cars					
Refrigerator cars					
Other cars in freight ser- vice	695	695	695	Cannot state	695
Total		1,519	1,519	Cannot state	1,519
In Company's Service					
Officers' and pay cars	1	1	1	Cannot state	1
Gravel cars	362	362	362	Cannot state	362
Derrick cars					
Caboose cars	26	26	26	Cannot state	26
Other road cars	12	12	12	Cannot state	12
Total		401	401	Cannot state	401
Total cars in service		1,933	1,933	Cannot state	1,933
Less leased cars					
Total cars owned		1,933	1,933	Cannot state	1,933
Cars contributed to fast freight					

**DESCRIPTION OF EQUIPMENT.
MONTANA RAILROAD.**

Item	No. added during year	Total No. at end of year	Equipment Fitted With		
			Train brake		Automatic coupler
			No.	Name	No.
LOCOMOTIVES—Owned and Leased					
Passenger					
Freight	4	10	10	Westinghouse A. B.....	10
Switching					
Total Locomotives in service	4	10	10	Westinghouse A. B.....	10
Less locomotives leased.					
Total locomotives owned					
CARS—Owned and Leased In Passenger Service					
First class cars.....		4	4	Westinghouse A. B.....	4
Second class cars					
Combination cars		3	3	Westinghouse A. B.....	3
Emigrant cars					
Dining cars					
Parlor cars					
Sleeping cars					
Baggage, express and postal cars					
Other cars in passenger service					
Total		7	7	Westinghouse A. B.....	7
In Freight Service					
Box cars		2	2	Westinghouse A. B.....	2
Flat cars	2	12	12	Westinghouse A. B.....	12
Stock cars					
Coal cars	3	3	3	Westinghouse A. B.....	3
Tank cars					
Refrigerator cars					
Other cars in freight service					
Total	5	17	17	Westinghouse A. B.....	17
In Company's Service					
Officers and pay cars..					
Gravel cars					
Derrick cars					
Caboose cars	4	5	5	Westinghouse A. B.....	5
Other road cars.....		13	13	Westinghouse A. B.....	13
Total	4	18	18	Westinghouse A. B.....	18
Total cars in service..	9	42	42	Westinghouse A. B.....	42
Less leased cars.....					
Total cars owned	9	42	42	Westinghouse A. B.....	42
Cars contributed to fast freight line service....					

DESCRIPTION OF EQUIPMENT.

NORTHERN PACIFIC RY.

Item	No. added during year	Total No. at end of year	Equipment Fitted With		
			Train brake		Automatic coupler
			No.	Name	No.
LOCOMOTIVES—Owned and Leased					
Passenger	2	231	231	Westinghouse A. B.....	231
Freight	216	855	855	Westinghouse A. B.....	855
Switching	32	169	169	Westinghouse A. B.....	169
Total Locomotives in service	250	1,255	1,255	Westinghouse A. B.....	1,255
Less locomotives leased.....					
Total locomotives owned	250	1,255	1,255		1,255
CARS—Owned and Leased In Passenger Service					
First class cars.....	40	230	230	Westinghouse A. B.....	230
Second class cars.....		127	127	Westinghouse A. B.....	127
Combination cars.....		52	52	Westinghouse A. B.....	52
Tourist cars	5	74	74	Westinghouse A. B.....	74
Dining cars		45	45	Westinghouse A. B.....	45
Parlor cars		4	4	Westinghouse A. B.....	4
Sleeping cars (½int.)..	25	103	103	Westinghouse A. B.....	103
Baggage, express and postal cars.....	19	214	214	Westinghouse A. B.....	214
Other cars in passenger service		35	35	Westinghouse A. B.....	35
Total	89	884	884		884
In Freight Service					
Box cars	4,078	25,570	3,223	New York A. B.....	25,570
Flat cars	1,261	8,747	2,292	Westinghouse A. B.....	8,747
Stock cars	227	2,254	6,363	New York A. B.....	2,254
Coal cars	568	3,989	1,977	Westinghouse A. B.....	3,989
Tank cars	1	10	559	New York A. B.....	10
Refrigerator cars	182	891	3,354	Westinghouse A. B.....	891
Other cars in freight ser- vice		859	4	New York A. B.....	859
Total	6,317	42,320	41,956		42,320
In Company's Service					
Officers' and pay cars..	1	9	9	Westinghouse A. B.....	9
Gravel cars					
Derrick cars	4	27	2	New York A. B.....	27
Caboose cars	179	612	18	Westinghouse A. B.....	612
Other road cars.....	1,268	2,028	70	New York A. B.....	2,028
Total	1,452	2,676	2,242		2,676
Total cars in service.	7,858	45,880	45,082		45,880
Less leased cars.....					
Total cars owned.....	7,858	45,880	45,082		45,880
Cars contributed to fast freight line service.....					

FIRST ANNUAL REPORT

DESCRIPTION OF EQUIPMENT.

OREGON SHORT LINE R. R.

Item	No. added during year	Total No. at end of year	Equipment Fitted With		
			Train brake		Automatic coupler
			No.	Name	No.
LOCOMOTIVES—Owned and Leased					
Passenger		38	6	Westinghouse A. B.....	
Freight	32	168	32	New York A. B.....	38
Switching	8	29	40	Westinghouse A. B.....	168
			128	Westinghouse A. B.....	
			6	Westinghouse A. B.....	
			23	New York A. B.....	29
Total Locomotives in service	40	235	235		235
Less Locomotives leased		93	93	New York A. B.....	93
Total locomotives owned		142	142		142
CARS—Owned and Leased In Passenger Service					
First class cars.....	20	78	15	Westinghouse A. B.....	
Second class cars.....			63	New York A. B.....	78
Combination cars		6	5	Westinghouse A. B.....	6
Emigrant cars			1	New York A. B.....	
Dining cars	2	11	10	Westinghouse A. B.....	
Parlor cars				New York A. B.....	11
Sleeping cars					
Baggage, express and postal cars	11	50	43	New York A. B.....	
Other cars in passenger service		3	7	Westinghouse A. B.....	50
			2	Westinghouse A. B.....	
			1	New York A. B.....	3
Total	33	148	148		148
In Freight Service					
Box cars		1,111	636	Westinghouse A. B.....	
Flat cars		133	475	New York A. B.....	1,111
Stock cars	500	1,680	20	Westinghouse A. B.....	
Coal cars	800	3,883	111	New York A. B.....	133
Tank cars			1,633	New York A. B.....	
Refrigerator cars.....			47	Westinghouse A. B.....	1,680
Other cars in freight service		197	1,172	Westinghouse A. B.....	
			2,701	New York A. B.....	3,883
Total	1,300	7,004	6,992		7,004
In Company's Service					
Officers' and pay cars..	1	5	5	New York A. B.....	5
Gravel cars		228	224	New York A. B.....	228
Derrick cars		4	4	Westinghouse A. B.....	4
Caboose cars	25	95	35	Westinghouse A. B.....	
Other road cars	68	201	60	New York A. B.....	95
			159	Westinghouse A. B.....	201
Total	94	533	487		533
Total cars in service.	1,427	7,685	7,627		7,685
Less leased cars.....		2,564	2,564	New York A. B.....	2,564
Total cars owned.		5,121	5,063		5,121
Cars contributed to fast freight line service					

DESCRIPTION OF EQUIPMENT.

YELLOWSTONE PARK R. R.

This Company neither owns or leases any equipment.

MILEAGE—ENTIRE LINE.

A. Mileage of Road operated (all tracks).

Name	Line Represented by capital stock		Line of Proprietary Companies	Line operated under lease	Line operated under contract etc.	Line operated under track-age rights	Total Mileage operated	Newline constructed during year	Rails	
	Main Line	Branches and spurs							Iron	Steel
1. Miles of single track	25.67	38.88		8.17			72.72	1.48		72.72
2. Miles of second track	26.32	19.86		4.63			50.81	2.22		50.81
3. Miles of third track										
4. Miles of fourth track										
5. Miles of yard track and sidings.										
6. Total mileage operated (all tracks.)										
Butte, Anaconda & Pacific.....1										
Butte, Anaconda & Pacific.....5										
Butte, Anaconda & Pacific.....6	51.99	58.74		12.80			123.53	3.70		123.53
Chicago, Burlington & Quincy Ry. 1	822.41	7,837.66				215.00	8,875.07	198.27	64.81	8,595.26
Chicago, Burlington & Quincy Ry. 2	451.05	77.52				63.53	592.10	.50		528.57
Chicago, Burlington & Quincy Ry. 3	23.55						23.55			23.55
Chicago, Burlington & Quincy Ry. 5	689.65	1,750.12					2,439.77	152.61	128.79	2,310.98
Chicago, Burlington & Quincy Ry. 6	1,986.66	9,665.30		278.53			11,930.49	351.38	193.60	11,458.36
Great Northern Ry.....1										
Great Northern Ry.....2			415.65	4,739.88	142.99	36.83	5,335.35	163.15	43.95	5,254.57
Great Northern Ry.....3			2.26	87.94		2.63	92.83	5.23		90.20
Great Northern Ry.....4				9.28			9.28			9.28
Great Northern Ry.....5				9.29			9.29			9.29
Great Northern Ry. 5th track....			98.96	1,213.14	8.82		1,321.21	144.69	1,321.21	
Great Northern Ry. 6th track....				2.32			2.32			2.32
				1.44			1.44			1.44
Great Northern Ry.....6			516.87	6,063.58	151.81	39.46	6,771.72	313.07	1,365.16	5,367.10

MILEAGE—ENTIRE LINE—Continued.

A. Mileage of Road Operated (All Tracks)

NAME	Line Represented by capital stock		Line of Proprietary Companies	Line operated under lease	Line operated under contract etc.	Line operated under track-age rights	Total Mileage operated	New line constructed during year	Rails	
	Line Main	Branches and spurs							Iron	Steel
Montana Central Ry.....	96.69	152.57	.....	.....	.....	4.05	253.31	.....	.....	249.26
Montana Central Ry.....	10.60	47.34	.....	.....	.....	.....	57.94	.....	57.94	.....
Montana Central Ry.....	6	199.91	.....	.....	.....	4.05	311.25	.....	57.94	249.26
Montana Railroad.....	1	157.00	.....	.....	.....	.....	157.00	.....	.....	157.00
Montana Railroad.....	5	12.33	.....	.....	.....	.....	12.33	.....	.....	12.33
Montana Railroad.....	6	169.33	.....	.....	.....	.....	169.33	.....	.....	169.33
Northern Pacific Ry.....	1	2,699.69	6.70	194.73	.....	52.56	5,810.16	38.37	29.64	5,727.96
Northern Pacific Ry.....	2	169.56	.....	1.69	.....	73.27	246.05	60.31	.....	234.43
Northern Pacific Ry.....	3	1.58	.....	.....	.....	.....	1.58	.....	.....	1.58
Northern Pacific Ry.....	5	1,167.25	.....	33.30	.....	15.64	1,527.12	75.04	132.68	1,390.17
Northern Pacific Ry.....	6	4,038.08	6.70	229.72	.....	141.47	7,584.91	175.30	162.32	7,354.74
Oregon Short Line R. R.....	1	959.63	8.48	278.60	1.85	11.58	1,407.64	57.02	32.76	1,361.45
Oregon Short Line R. R.....	2	2.48	.....	.....	.....	2.15	4.83	.....	.....	2.48
Oregon Short Line.....	5	306.11	6.95	69.11	.....	13.77	416.87	24.55	44.27	358.83
Oregon Short Line.....	6	1,268.22	15.43	347.71	1.85	27.50	1,829.14	81.57	77.03	1,722.76
Yellowstone Park R. R.....	1	25.00	.....	.....	.....	.....	30.00	.....	.....	30.00
Yellowstone Park R. R.....	6	25.00	.....	.....	.....	.....	30.00	.....	.....	30.00

MILEAGE—Continued.
B. Mileage of Line Operated by States and Territories. (Single Track.)

Name	Line Represented by Capital Stock		Line of Proprietary Companies	Line operated under lease	Line operated under contract etc.	Line operated under trackage rights	Total mileage operated	New line constructed during year	Rails	
	Main Line	Branches and spurs							Iron	Steel
B. A. & P. RY.	25.67	38.88		8.17			72.72			
Montana										
Total	25.67	38.88		8.17			72.72			
C., B. & O. RY.	356.25	1,280.64				43.31	1,636.20		23.62	1,613.27
Illinois	274.55	1,091.10				72.35	1,438.00		24.03	1,341.62
Iowa		222.57				.53	223.10			222.57
Wisconsin		23.61				14.84	38.45			23.61
Minnesota		1,122.02				11.63	1,133.66			1,122.03
Missouri		259.62				8.82	268.44			259.62
Kansas	191.61	2,532.52				23.93	2,738.06		17.16	2,696.97
Nebraska		282.49					282.49			282.49
South Dakota		451.42					451.42			451.42
Wyoming		187.28				12.62	199.90			187.28
Montana		394.38				34.97	429.35			394.38
Colorado										
Total	822.41	7,837.66				215.00	8,875.07	198.27	64.81	8,595.26
GREAT NORTHERN RY.										
Minnesota				1,884.86		15.02	1,899.88	3.59	18.12	1,866.74
Wisconsin				37.69			37.69			37.69
North Dakota				1,399.81		19.06	1,418.87	13.10	25.83	1,373.98
South Dakota				99.25			99.25			99.25
Montana				883.01	142.99		1,026.00			1,026.00
Idaho				82.51			82.51			82.51
Washington			191.89	352.75		2.75	547.39			544.64
British Columbia			77.30				77.30			77.30
Manitoba			146.46				146.46	146.46		146.46
Total			415.65	4,739.88	142.99	36.83	5,335.35	163.15	43.95	5,254.57

MILEAGE—Continued.
B. Mileage of Line Operated by States and Territories (Single Track)

Name	Line Represented by Capital Stock		Line of Proprietary Companies	Line operated under lease	Line operated under contract etc.	Line operated under trackage rights	Total mileage operated	New line constructed during year	Rails	
	Main Line	Branches and spurs							Iron	Steel
MONT. CENTRAL RY.										
Montana	96.69	152.57				4.05	253.31			249.26
Total	96.69	152.57				4.05	253.31			249.26
MONTANA RAILROAD										
Montana	157.00						157.00			157.00
Total	157.00						157.00			157.00
NORTHERN PACIFIC RY.										
Wisconsin	86.85	57.83				1.06	145.74		18	144.50
Minnesota	571.34	462.43				13.85	1,047.62	3.36	13.66	1,020.11
North Dakota	377.54	806.32				.56	1,184.42		8.30	1,175.56
Montana	883.78	514.21	6.70	64.10		36.17	1,474.96		7.50	1,431.29
Idaho	83.34	201.87					285.21			285.21
Washington	687.68	811.11		130.63			1,629.42	34.68		1,629.42
Oregon	39.16	2.71				.92	42.79	.33		41.87
Total	2,699.69	2,856.48	6.70	194.73		52.56	5,810.16	38.37	29.64	5,727.96
O. S. L. R. R.										
Wyoming	92.38			19.02			111.40			111.40
Utah	113.45	52.84		32.85		2.89	202.03	27.88		199.14
Idaho	613.25	94.66	8.48	212.49			927.88	13.55	32.76	895.12
Montana	126.13					8.69	134.82			134.82
Oregon	15.42			14.24	1.85		31.51	16.09		29.66
Total	959.63	147.50	8.48	278.60	1.85	11.58	1,407.64	57.02	32.76	1,361.45
YEL. PARK R. R.										
Montana	25.00	5.00					30.00			30.00
Total	25.00	5.00					30.00			30.00

MILEAGE—Continued.
Mileage of Line Owned by States and Territories (Single Track)

Name	Line Represented by Capital Stock		Total mileage owned	New Line constructed during year	Rails	
	Main Line	Branches and Spurs			Iron	Steel
BUTTE, ANACONDA & PACIFIC RY.						
Montana	25.67	38.88	64.55	1.48	.....	64.55
Total	25.67	38.88	64.55	1.48	.....	64.55
CHICAGO, BURLINGTON & QUINCY RY.						
Illinois	356.25	1,280.64	1,636.89	.....	23.62	1,613.27
Iowa	274.55	1,031.10	1,305.65	.....	24.03	1,341.62
Wisconsin .....	.....	222.57	222.57	.....	.....	222.57
Minnesota .....	.....	23.61	23.61	.....	.....	23.61
Missouri .....	.....	1,122.03	1,122.03	.....	.....	1,122.03
Kansas .....	.....	259.62	259.62	.....	.....	259.62
Nebraska	191.61	2,522.52	2,714.13	102.90	17.16	2,696.97
South Dakota .....	.....	282.49	282.49	4.33	.....	282.49
Wyoming .....	.....	451.42	451.42	91.04	.....	451.42
Montana	187.28	187.28	187.28	.....	.....	187.28
Colorado	394.38	394.38	394.38	.....	.....	394.38
Total	824.41	7,837.66	8,660.07	198.27	.....	8,595.26
GREAT NORTHERN RY.						
Montana .....	.....	.....	.....	.....	.....	.....
MONTANA CENTRAL RY.						
Montana	96.69	152.57	249.26	.....	.....	249.26
Total	96.69	152.57	249.26	.....	.....	249.26

MILEAGE—Continued.
Mileage of Line Owned by States and Territories (Single Track)

Name	Line Represented by Capital Stock		Total mileage owned	New Line constructed during year	Rails	
	Main Line	Branches and spurs			Iron	Steel
MONTANA RAILROAD						
Montana	157.00	6.00	163.00	.....	.....	163.00
Total	157.00	6.00	163.00	.....	.....	163.00
NORTHERN PACIFIC RY.						
Wisconsin	86.85	57.83	144.68	.....	.....	144.50
Minnesota	571.34	462.43	1,033.77	.....	.....	1,020.11
North Dakota	377.54	806.32	1,183.86	.....	.....	1,175.56
Manitoba .....	.....	355.58	355.58	.....	.....	355.58
Montana	853.78	514.21	1,367.99	.....	.....	1,360.49
Idaho	83.34	201.87	285.21	.....	.....	285.21
Washington	687.68	811.11	1,498.79	.....	.....	1,498.79
Oregon	39.16	2.71	41.87	.....	.....	41.87
Total	2,699.69	3,212.06	5,911.75	.....	.....	5,882.11
OREGON SHORT LINE R. R.						
Wyoming	92.38	.....	92.38	.....	.....	92.38
Utah	113.45	.....	166.29	.....	.....	166.29
Idaho	612.35	52.84	706.91	.....	.....	675.66
Montana	126.13	94.66	182.72	.....	.....	182.72
Oregon	15.42	56.59	15.42	.....	.....	15.42
Total	959.63	204.09	1,163.72	.....	.....	1,132.47
YELLOWSTONE PARK R. R.						
Montana	25.00	5.00	30.00	.....	.....	30.00
Total	25.00	5.00	30.00	.....	.....	30.00

MILEAGE—STATE OF MONTANA.

Mileage of Road Operated (All Tracks.)

Name	Line Represented by Capital Stock		Line of Proprietary Companies	Line operated under lease	Line operated under contract etc.	Line operated under trackage rights	Total mileage operated	New line constructed during year	Rails	
	Main Line	Branches and spurs							Iron	Steel
1. Mileage of single track.										
2. Mileage of second track.										
3. Mileage of third track.										
4. Mileage of fourth track and sidings.										
5. Mileage of yard track and sidings.										
6. Total mileage operated, all tracks, State of Montana.										
B., A. & P. Ry..... 1	25.67	38.88	.....	8.17	.....	.....	72.73	1.48	.....	72.73
B., A. & P. Ry..... 5	26.32	19.86	.....	4.63	.....	.....	50.81	2.22	.....	50.81
B., A. & P. Ry..... 6	51.99	58.71	.....	12.80	.....	.....	123.53	3.70	.....	123.53
C., B. & Q. Ry..... 1	187.28	.....	.....	.....	.....	12.62	199.00	.....	.....	187.28
C., B. & Q. Ry..... 5	30.81	.....	.....	.....	.....	.....	30.81	.....	.....	30.81
C., B. & Q. Ry..... 6	218.09	.....	.....	.....	.....	12.62	230.71	.....	.....	218.09
Great Northern Ry..... 1	.....	.....	.....	883.01	142.99	.....	1,026.00	.....	.....	1,026.00
Great Northern Ry..... 5	.....	.....	.....	181.15	8.82	.....	189.97	14.07	189.97	.....
Great Northern Ry..... 6	.....	.....	.....	1,064.16	151.81	.....	1,215.97	14.07	189.97	1,026.00

FIRST ANNUAL REPORT

MILEAGE—STATE OF MONTANA—Continued.

Mileage of Road Operated (All Tracks)

NAME	Line Represented by Capital Stock		Line of Proprietary Companies	Line operated under lease	Line operated under contract etc.	Line operated under trackage rights	Total mileage operated	New line constructed during year	Rails	
	Main Line	Branches and Spurs							Steel	Iron
Montana Central Ry.... 1	96.69	152.57	.....	.....	.....	4.05	253.31	.....	.....	249.26
Montana Central Ry.... 5	10.60	47.34	.....	.....	.....	.....	57.94	.....	57.94	.....
Montana Central Ry.... 6	107.29	199.91	.....	.....	.....	4.05	311.25	.....	57.94	249.26
Montana Railroad..... 1	157.00	.....	.....	.....	.....	.....	157.00	.....	.....	157.00
Montana Railroad..... 5	12.33	.....	.....	.....	.....	.....	12.33	.....	.....	12.33
Montana Railroad..... 6	169.33	.....	.....	.....	.....	.....	169.33	.....	.....	169.33
Northern Pacific Ry.... 1	853.78	514.21	6.70	64.10	.....	36.17	1,474.96	.....	7.50	1,431.29
Northern Pacific Ry.... 2	.....	.....	.....	1.69	.....	.....	1.69	.....	.....	1.69
Northern Pacific Ry.... 5	293.74	46.84	.....	22.17	.....	.....	362.75	22.08	27.00	335.75
Northern Pacific Ry.... 6	1,147.52	561.05	6.70	87.96	.....	36.17	1,839.40	22.08	34.50	1,768.73
*Oregon Short Line R. R.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Yellowstone Park R. R. 1	25.00	5.00	.....	.....	.....	.....	30.00	.....	.....	30.00
Yellowstone Park R. R. 6	25.00	5.00	.....	.....	.....	.....	30.00	.....	.....	30.00

*Data not furnished.

STATE OF MONTANA—RENEWALS OF RAILS AND TIES DURING YEAR.
New Rails Laid During Year.

Name	Tons (Whole)		Weight per Yard (Pounds)		Average price per ton at Distr. Point	
	Iron	Steel	Iron	Steel	Iron	Steel
Butte, Anaconda & Pac. Ry...	349	.....	80.00	.....	\$35.50
Butte, Anaconda & Pac. Ry...	4	.....	77.50	.....	30.00
Butte, Anaconda & Pac. Ry...	1	.....	75.00	.....	28.00
Total	354	.....	.....	.....	35.40
Chicago, Burl. & Quincy Ry...	9,042	.....	.....	.....	.....
Great Northern Ry.....
Total	9,042	.....	.....	.....	.....
Montana Central Ry.....	12,892	.....	80.00	.....	38.10
Montana Central Ry.....	16,769	.....	77.50	.....	38.10
Total	29,661	.....	.....	.....	38.10
Montana Railroad	480	.....	56.00	.....	29.16
Total	480	.....	56.00	.....	29.16
Northern Pacific Ry.....	15,073	.....	85.00	.....	29.47
Northern Pacific Ry.....	53	.....	72.00	.....	29.41
Northern Pacific Ry.....	138	.....	66.00	.....	29.92
Total	15,264	.....	.....	.....	29.48
*Oregon Short Line R. R.....
Yellowstone Park R. R.....

*No data for Montana.

New Ties Laid During Year.

Name	Kind	No.	Average Price at Distr. Point (Cents)
Butte, Anaconda & Pac. Ry...	No. 1 Fir cross ties.....	28,393	56.3
Butte, Anaconda & Pac. Ry...	No. 2 Fir cross ties.....	1,028	44.5
Butte, Anaconda & Pac. Ry...	Fir switch ties 9 to 16 ft....	2,152	114.5
Butte, Anaconda & Pac. Ry...	Bridge ties, Fir.....	72	103.0
Total .....	.....	31,645	60.
Chicago, Burl. & Quincy Ry...	Not given.....	15,396	45 to 50
Total .....	.....	15,696	.....
Great Northern Ry.....	Hardwood	424	31.76
Great Northern Ry.....	Pine, Tamarack and Cedar....	26,500	31.11
Great Northern Ry.....	Treated	112,991	50.097
Great Northern Ry.....	Others	15,123	46.81
Total .....	.....	155,038	46.48
Montana Central Ry.....	Hardwood	100	81.70
Montana Central Ry.....	Pine, Tamarack and Cedar....	8,195	36.95
Montana Central Ry.....	Treated	55,685	60.68
Montana Central Ry.....	Others	5,006	49.68
Total .....	.....	68,986	57.06
Montana Railroad .....	.....	8,597	33.937
Total .....	.....	8,597	33.937
Northern Pacific Ry.....	Oak	550	47.3
Northern Pacific Ry.....	Tamarack	55,039	44.4
Northern Pacific Ry.....	Fir	478,183	38.4
Total .....	.....	533,772	38.7
*Oregon Short Line R. R.....	.....	.....	.....
Yellowstone Park R. R.....	.....	.....	.....

*No data for Montana.

CONSUMPTION OF FUEL BY LOCOMOTIVES—STATE OF MONTANA.

Name	Coal—Tons (Whole)		Wood—Cords		Total Fuel Consumed Tons	Miles Run	Average Pounds Consumed per mile
	Anthracite	Bituminous	Hard	Soft			
Butte, Anaconda & Pacific Ry.							
Passenger		5,461		14.5	5,467	109,433	99.93
Freight		31,023		104.3	31,075	447,434	138.90
Switching		14,836		92.6	14,882	364,840	81.58
Construction							
Total		51,320		211.4	51,426	921,707	111.59
Average cost at distributing point		\$3.96		\$4.25			
Chicago, Burlington & Quincy Ry. (Line West of Missouri River)							
Passenger		314,891		1,892.	316,005	5,337,476	118.4
Freight		891,223		5,504.	894,463	6,243,533	286.5
Switching		131,360		774.	131,861	2,004,516	131.5
Construction		68,295		430.	68,548	1,828,087	75.0
Total		1,405,769		8600.	1,410,832	15,413,612	183.1
Average cost at distributing point		\$1.66		\$2.87			
Great Northern Ry. (Entire Line)							
Passenger		427,401	6,230		431,554	7,885,495	109.46
Freight		1,150,474	17,350		1,202,040	11,005,587	218.44
Switching		158,945	2,316		160,489	3,668,755	87.49
Construction							
Total		1,776,820					
Average cost at distributing point		\$2.92	25.896		1,794,083	22,559,837	159.05
Montana Central Ry.							
Passenger		14,250	190		14,377	269,200	106.81
Freight		70,570	913		71,178	611,499	232.80
Switching		25,457	369		25,703	163,113	315.16
Construction							
Total		110,277	1,472		111,258	1,043,812	213.18
Average cost at distributing point		\$2.00	\$4.97		\$2.05		

CONSUMPTION OF FUEL BY LOCOMOTIVES—STATE OF MONTANA—Continued

Name	Coal—Tons (Whole)		Wood—Cords		Total Fuel Consumed Tons	Miles Run	Average Pounds Consumed per mile
	Anthracite	Bituminous	Hard	Soft			
Montana Railroad							
Passenger		13,750			13,750	147,168	186.86
Freight							
Switching		1,626			1,626	17,409	186.86
Construction							
Total		15,376			15,376		
Average cost at distributing point		\$3.195			\$3.195	164,577	186.86
Northern Pacific Ry.							
Passenger		180,901	74	669	181,285	2,600,465	139.43
Freight		608,252	292	2,628	609,761	5,135,879	237.45
Switching		62,012	19	168	64,109	1,329,697	93.42
Construction		20,236	4	33	20,255	381,809	106.10
Total		871,401	389	3,498	873,410	9,447,850	184.90
Average cost at distributing point		\$2.215	\$2.139	\$2.139	\$2.219		
Oregon Short Line R. R. (Entire Line)							
Passenger		134,287		141	134,358	3,535,254	76.01
Freight		348,959		178	349,048	2,171,000	321.55
Switching		45,932		94	45,979	219,430	41.91
Construction		10,454		20	10,464	1,061,727	197.11
Total		539,632		433	539,849	6,987,411	154.52
Average cost at distributing point		\$1.41		\$2.04			
Yellowstone Park R. R.							
Passenger							
Freight		1,270			1,270	26,602	.95
Switching							
Construction		130			130	4,302	.60
Total		1,400			1,400	30,904	1.55
Average price at distributing point		\$2.57					

ACCIDENTS TO PERSONS—STATE OF MONTANA.

A. Accidents to Railway Employees Resulting from the Movement of Trains, Locomotives or Cars.

	Trainmen		Switch Tenders Crossing Tenders and Watchmen		Station Men		Shopmen		Trackmen		Telegraph Employees		Other Employees		Total	
	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd
B., A. & P. Ry.....	.....	13	.....	1	.....	2	.....	1	.....	2	.....	.....	.....	1	2	19
C., B. & Q. Ry.....	2	9	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	2	9
Gt. Northern Ry....	15	181	.....	1	.....	.....	.....	.....	.....	6	.....	.....	.....	9	19	199
Mont. Cent. Ry.....	5	29	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	1	10	31
Montana R. R.....	.....	.....	.....	4	.....	.....	.....	.....	.....	2	.....	.....	.....	1	.....	7
N. P. Ry.....	20	192	.....	2	.....	.....	.....	.....	6	3	.....	.....	.....	31	30	228
O. S. L. R. R.....	.....	.....	.....	.....	.....	.....	.....	5	4	33	.....	.....	.....	6	12	167
O. (Entire Line)....	7	121	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Yel. Park R. R.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total exclusive of O. S. L. R. R.....	42	424	.....	9	.....	2	2	1	13	14	.....	.....	6	43	63	493

B. Accidents to Railway Employees Arising from Causes Other Than those Resulting from Movement of Trains, Locomotives or Cars

	Trainmen		Switch Tenders Crossing Tenders and Watchmen		Station Men		Shopmen		Trackmen		Telegraph Employees		Other Employees		Total	
	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd	Killed	Injur'd
B., A. & P. Ry.....	1	.....	7	.....	7	.....	.....	.....	.....	.....	15
C., B. & Q. Ry.....	4	.....	.....	.....	1	.....	.....	.....	3	.....	4
Gt. Northern Ry....	65	.....	.....	41	.....	.....	.....	49	5	159
Mont. Cent. Ry.....	1	.....	1	.....	14	.....	.....	.....	3	.....	19
Montana R. R.....
N. P. Ry.....	5	.....	5	48	.....	.....	20	.....	.....	.....	20	.....	93
O. S. L. R. R. (Entire Line)....	5	1	26	.....	.....	.....	2	.....	.....	.....	15	1	48
Yel. Park R. R.....
Total exclusive of O. S. L. R. R.....	11	.....	121	.....	1	83	.....	.....	4	75	6	290

ACCIDENTS TO PERSONS—STATE OF MONTANA—Continued.

Accidents to Persons Other Than Employees, Arising From Movement of Trains, Locomotives or Cars.

	Passengers		Postal Clerks, Express Mes- sengers, Pull- man Employees etc.		Other Persons				Total	
	Killed	Injur'd	Killed	Injur'd	Trespassing		Not Trespassing		Killed	Injur'd
					Killed	Injur'd	Killed	Injur'd		
Butte, Anaconda & Pacific Ry.....	.....	.....	.....	.....	.....	2	1	2	3	6
Chicago, Burlington & Quincy Ry.....	.....	80	.....	.....	.....	.....	.....	.....	.....	.....
Great Northern Ry.....	1	19	38	.....	12	5	2	1	15	124
Montana Central Ry.....	2	.....	1	.....	1	.....	.....	.....	3	20
Montana Railroad.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Northern Pacific Ry.....	1	66	4	.....	24	20	.....	5	25	95
Oregon Short Line R. R. (Entire Line).....	.....	27	9	7	.....	20	6	4	13	24
Yellowstone Park R. R.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total exclusive of Oregon Short Line R. R...	4	165	42	.....	40	29	3	9	47	245

Accidents to Persons Other Than Employees, Arising from Causes Other Than Movement of Trains, Locomotives or Cars.										
	Passengers		Postal Clerks, Express Mes- sengers, Pull- man Employees etc.		Other Persons				Total	
	Killed	Injur'd	Killed	Injur'd	Trespassing		Not Trespassing		Killed	Injur'd
					Killed	Injur'd	Killed	Injur'd		
Butte, Anaconda & Pacific Ry.....
Chicago, Burlington & Quincy Ry.....
Great Northern Ry.....	1	.....	.....	.....	.....	.....	.....	.....	1
Montana Central Ry.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Montana Railroad.....
Northern Pacific Ry.....	1	.....	2	.....	.....	1	2
Oregon Short Line R. R. (Entire Line).....
Yellowstone Park R. R.....
Total exclusive of Oregon Short Line R. R..	1	1	.....	1	2	.....	.....	1	4

SUMMARY OF ACCIDENTS TO PERSONS—STATE OF MONTANA.

(Exclusive of Oregon Short Line R. R.)

	Railway Employees		Passengers		Post. Clerks, etc. & Other Persons		Total	
	Killed	Inj'r'd	Killed	Inj'r'd	Killed	Inj'r'd	Killed	Inj'r'd
B., A., & P. Ry.....	2	34	.....	.....	3	6	5	40
C., B. & Q. Ry.....	2	13	.....	.....	.....	.....	2	13
Great Northern Ry.....	24	358	1	80	14	44	39	482
Montana Central Ry.....	10	50	2	20	1	1	13	71
Montana Railroad.....	.....	7	.....	.....	1	.....	1	7
Northern Pacific Ry....	30	321	1	66	25	31	56	418
Oregon Short Line R. R..	.....	.....	.....	.....	.....	.....	.....	.....
Yellowstone Park R. R..	.....	.....	.....	.....	.....	.....	.....	.....
Total exclusive of O. S. L. R. R.....	68	783	4	166	44	82	116	1,031

PRIVATE CAR MILEAGE.

**Amount Paid or Allowed for Rolling Stock not the Property of Railroads Not
Consigned for Use by Lease.**

Butte, Anaconda & Pacific Ry.....	\$ 132.36
Chicago, Burlington & Quincy Ry.....	460,922.39
Great Northern Ry.....	87,608.85
Montana Central Ry.....	1,081.63
Montana Railroad.....	229.20
Northern Pacific Ry.....	98,352.61
Oregon Short Line R. R.....	35,037.99
Yellowstone Park R. R.....	.....

TAXES AND ASSESSMENTS OF ALL KINDS.

A. For Reporting Company's Own and Proprietary Lines.

State or Territory	Amount	Total
Butte, Anaconda & Pacific Ry.		
Montana	15,907.95	15,907.95
Chicago, Burlington & Quincy Ry.		
Missouri	199,393.98	
Illinois	552,151.80	
Minnesota	14,138.93	
Wisconsin	142,833.73	
Kansas	49,513.21	
Iowa	355,548.49	
Nebraska	1,311,183.57	
Colorado	103,680.88	
South Dakota	29,159.13	
Wyoming	36,247.51	
Montana	20,153.89	
Utah	17.55	
California	2.20	
Oregon	29.19	
		2,814,057.06
Great Northern Ry.		
Montana	264,725.61	
Minnesota	752,744.75	
Wisconsin	73,370.58	
North Dakota	401,294.56	
South Dakota	14,108.75	
Idaho	22,687.69	
Washington	344,548.93	
British Columbia	6,488.44	
Manitoba	2,700.00	
		1,882,669.31
Montana Central Railway		
Montana	62,036.28	62,036.28
Montana Railroad		
Montana	12,762.06	12,762.06
Northern Pacific Ry.		
Montana	471,361.98	
Wisconsin	56,697.94	
Minnesota	576,428.49	
North Dakota	368,345.17	
Idaho	73,528.32	
Washington	839,571.21	
Oregon	12,661.46	
Outside Officers	124.43	
		2,398,719.00
Oregon Short Line R. R.		
Montana	30,908.59	
Idaho	234,399.05	
Oregon	3,814.56	
Utah	69,909.74	
Wyoming	17,468.52	
		*409,641.27
Yellowstone Park R. R.		

Total taxes paid in State of Montana..... 877,856.36

*Includes \$53,140.81 paid for leased and operated lines, which amount is not apportioned according to States.

*ANNUAL STATEMENT OF THE PULLMAN COMPANY.

For the fiscal year ending July 31, 1907.

Total revenue	\$32,186,012.82
Total expenses of operation	17,388,741.12
Depreciation on cars and on other property of company...	749,341.93
Dividends declared	7,476,878.00
Net surplus	4,149,455.19
Surplus brought forward, less distribution Nov. 30, 1906.	1,106,764.57
Surplus	5,256,219.76
Capital stock	100,000,000.00
Net assets	105,256,219.76

*The above statement covers both manufacturing and sleeping car business of the Pullman Company.

ANNUAL REPORTS OF EXPRESS COM- PANIES OPERATING IN MONTANA

For the year ending June 30th, 1907.

ADAMS EXPRESS COMPANY.

Statement of Gross Receipts and Expenses within the State of Montana, for
Year Ending June 30, 1907.

Gross earnings from business within the State of Montana..	\$2,847.00
Operating Expenses	2,607.00

Net Income	\$240.00
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Number of Offices in State of Montana	6
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Mileage of Line in Montana, C., B. & Q. Ry.	193
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Employees:—

Agents	6
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Clerks, drivers and porters	11
-----------------------------------	----

Total salaries and commissions paid employees in State of Montana, entire year	\$920.00
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GREAT NORTHERN EXPRESS COMPANY.

For Fiscal Year Ending June 30, 1907.

1. Gross earnings entire line in Montana	\$73,054.83
2. Operating Expenses entire line in Montana	84,769.20
3. Loss from operating entire line in Montana	11,714.37
4. Net income from other sources entire line in Montana, (Money Orders)	1,319.65
5. Total deficit entire line in Montana	10,394.72
6. Number of each class of employes and average daily compensation, entire line in Montana:	
6 Agents	Average per day \$3.24
10½ Clerks	Average per day 1.81
8 Drivers	Average per day 1.81
3 Janitors	Average per day .26
22 Messengers	Average per day 2.59
49 Commission Agents	Average per day .65
7. Total salaries and commissions paid employes during year, entire line in Montana	\$52,058.29

EXPLANATORY NOTES.

1. This includes earnings on business handled within State of Montana.

2. This includes operating expenses on business handled in the State of Montana, as well as interstate business, as we know of no equitable way of dividing agents' salaries between state and interstate business. For instance, the pay of agent at Butte is \$150.00 per month, and it would be impossible to determine what portion of his time is occupied in handling state business and what time is occupied in handling interstate business. We have no record of the amount of interstate business.

These same questions have been asked by other states, such as Nebraska, Iowa, Minnesota and Washington, but we have been able to reply to them only as above.

NORTHERN EXPRESS COMPANY.

For Fiscal Year Ending June 30, 1907.

	Entire Line.	Montana.
Gross earnings	\$2,608,314.86	**\$132,198.19
Operating expenses	711,071.97	Not kept
Transportation	1,294,233.98	Not kept
Income from operation	603,008.91	Not kept
Net income from other sources	8,287.64	Not kept
Total surplus	611,296.55	Not kept
Number of each class of employes and their daily compensation	*Not kept	*Not kept
Total salaries and commission paid em- ployes during year	511,912.04	Not kept

**Local.

*Many of the employes are joint employes of other companies, and the question of how to report the number and daily compensation without duplication, is one that is engaging the attention of the representatives of the Interstate Commerce Commission at the present time.

PACIFIC EXPRESS COMPANY.

For Fiscal Year Ending June 30, 1907.

	Entire Line.	Montana.
1. Gross earnings	\$7,487,639.22	\$7,980.31
2. Operating expenses	6,860,342.28	7,300.39
	<hr/>	<hr/>
3. Income from operation	\$627,296.94	\$680.92
4. Net income from other sources ...	88,022.78	.....
	<hr/>	<hr/>
5. Total surplus from operation	\$715,319.72	\$680.92
6. Number of offices joint with railroad and other express companies. See Note.	2	
Number of agents	2	
Daily compensation	*\$2.21	
Number of drivers	1	
Daily compensation	*\$1.33	
Number of clerks	1	
Daily compensation	*\$1.15	
Number of Exclusive offices	1	
Number of agents	1	
Daily compensation	\$4.23	
Number of clerks	3	
Daily compensation	\$2.75	
Number of drivers	2	
Daily compensation	\$2.40	
Number of offices paid by Commission	8	
Number of agents	8	
Average daily compensation .....	.40	
	<hr/>	
Total salaries and commissions paid during year		\$8,678.25

* (Only Pacific Express Co.'s proportion shows.)

Note.—In answer to question "Number of employes entire line and their daily compensation": We have approximately 5,300 employes to whom we pay salaries aggregating \$1,996,793.54, divided into Office Salary, \$1,-380,541.09 and General Salary, \$616,252.45. Our accounts are not kept in a manner that enables us to give the information as requested. Some of the employes are joint with railroads, and other express companies, and some are hired by the trip or for extra service.

The figures applying to the entire line and State of Montana are arrived at in the following manner:

Figures relating to the entire line, from statement of earnings and expenses for year ending June 30, 1907, on file in this office.

Gross earnings in State of Montana, \$7,890.31, are the domestic earnings in that State from agents, statements of way-bills and proceeds revised and entered on register in this office.

Operating expenses in Montana, \$7,300.39, computed by applying to the domestic earnings the percentage that the entire operating expenses (less money order expense) bears to the gross earnings of the entire line 91.48 per cent.

The net income from other sources in Montana, would be the net earnings from money orders, an amount small and not ascertainable.

The answers to questions 6 and 7, relating to State of Montana, are taken from advices received from Superintendent Rogers.

Salaries relating to entire line are taken from agents' statements for the year ending June 30, 1907.

CONSTRUCTION OF NEW LINES AND TIE RENEWALS.

June 30, 1907 to May 31 1908.

	Main Line Mileage	Main Line Re- newed	Miles of Double Track	Miles of Sidings and Spurs	Tie Renewals
Butte, Anaconda & Pacific Ry.		1.638	.....	5.73	248,227 ties
Chicago, Burl. & Quincy Ry. ....			.....	1.885	\$11,418.93
Chicago, Mil. & St. Paul Ry. ...	\$ 383.56	.....	.....	33.10	.....
Great Northern Ry.	98.37	40.00	.....	33.24	550,879 ties
Montana Railroad	1.21	38.25	.....	2.00	11,507 ties
Northern Pacific Ry.	19.09	58.13	18.33	22.61	561,549 ties
Oregon Short Line R. R.	9.83	.42	.....	.10	84,100 ties
Yellowstone Park R. R. ....	.....	.....	.....	.....	.....

RULES OF PRACTICE

BEFORE THE

Railroad Commission of Montana

INCLUDING FORMS, ETC.

I.

HEARINGS OR SESSIONS.

The office of the Board shall be in the Capitol Building in the City of Helena, and said office shall always be open during business hours, legal holidays and non-judicial days excepted.

The regular session of the commission shall be held on the third Tuesday of each month at its office in the Capitol Building at Helena, Montana.

Special sessions may be held at any time or any place *within the state* as the commission may order. Requests or petitions for special sessions or public hearings must be made in writing and addressed to the Railroad Commission of Montana. The commissioners may, however, call a hearing upon any proper complaint, or to advise themselves before making or refusing to make an order.

Sessions for receiving, considering, and acting upon petitions, applications, or other communications, and also for considering and acting upon any business of the commission, other than such as has been ordered for public hearing, will be held at its office daily when the commission is in Helena.

Before any hearing is had upon a complaint both parties will be notified and notice given, as may be directed, of the time and place thereof by the Secretary. Before causing notice to be issued to the party complained of, the commission may notify the party against whom complaint is made, and, in order to avoid the expense and inconvenience of a formal trial or hearing before the commission, request such party complained of to comply with the request, or invite them to an informal conference with relation thereto.

Whenever any hearing is called upon any special proceeding the Secretary shall give each of the parties to such hearing three days notice thereof; provided, that this time may be shortened or extended as the circumstances of the case require or the commission may order.

II.

COMMUNICATIONS.

All complaints, requests, applications or other communications to the railroad commission must be made in writing; it will be presumed that such as are not so made have never been brought before the commission.

All complaints, petitions, requests, applications, letters, telegrams, or other communications for the commission for its consideration must be addressed to the Railroad Commission of Montana, Helena, Montana, unless otherwise specifically directed.

All official communications or correspondence emanating from the Board shall be signed as follows: The Railroad Commission of Montana, by the name of the official title of the member or employee of the board writing such communication.

The receipt of all communications to the commission upon which a reply or order cannot be at once made, or received during the absence of the commission, shall be acknowledged by the Secretary.

III.

PRACTICE.

The commission does not require of those appearing before it a compliance with technical rules of pleading or of evidence, its object is to get the substance of complaints, answers, requests or evidence, and to reach this it follows no rules of practice or evidence to the extent that it is bound thereby. Each case is to be investigated and decided upon its own needs and requirements; provided, that evidence introduced shall as far as possible be introduced in the order given in the pleading under which it is presented.

IV.

PLEADINGS.

The commission does not require of parties appearing before it any set rules of pleading, but it is requested that parties use as far as possible the forms which have been adopted by the commission and are printed herewith.

No pleading or complaint is required to be verified, unless directed by the commission.

It is requested that all parties furnish four copies of their pleadings, but failure to do so does not involve any penalty, as this is but a request to assist the commission.

V.

PARTIES.

Any person, firm, company, corporation, association, society, body politic, city or municipal corporation may complain to the commission and be heard either in person or by counsel at the commission's office or at public hearing as the commission may direct, upon any question or questions within the commission's authority to investigate, remedy or regulate.

The party complaining, requesting or petitioning is called the "complainant" and the party defending or against, or of whom anything is complained of or asked, is called the "defendant."

Persons or carriers not made parties to any proceeding may petition or request to be heard therein, and upon showing sufficient interest to entitle them, may be allowed to appear, such parties are called "intervenor" and when allowed to appear shall have equal rights with the parties thereto. All parties served by mail with any paper must at once notify the Secretary and the opposing party of the receipt of the paper served.

VI.

COMPLAINT.

All complaints must be in writing briefly setting forth the acts complained of and closing with a request or prayer for the relief sought.

The complaint must contain the names of the party complainant and the parties complained of in full.

The name, residence, or address of the complainant or his attorney must be stated.

Complaints may be in the form of a letter or by petition, but it is requested that the parties use the form approved by the commission.

VII.

ANSWERS.

The carrier or party complained of must answer within ten days from the date which the complaint was received, but the commission may in any particular case shorten or lengthen the time as they may see fit.

The original answer must be filed with the secretary of the commission at the commission's office. It is requested by the commission that the defendant furnish three additional copies for the use of the commission.

The answer should specifically admit or deny the allegations or charges of the complaint. And, if denying, should also set forth the reasons for denying or for a non-compliance with the request or prayer of the complaint; provided, that the defendants may be allowed at any time to, by way of answer, set forth that they have complied with the request or prayer of the complaint.

VIII.

WITNESSES.

Witnesses appearing before the commission, or wishing to be heard by giving testimony must be sworn before their testimony will be considered, unless the commission otherwise directs. This rule shall apply to all persons who offer to give any testimony before the commission; provided, that any attorney making a statement of his case, as attorney, shall not be required to be sworn, for the purpose of giving such statement.

All witnesses shall be subject to cross-examination within the limits the purpose of the hearing at which they are testifying, either by the opposite party or their or its attorney, and by the members of the commission or their attorney.

Any person testifying before the commission shall be deemed to be before the commission for any purpose they desire to question about within their authority. (The rule applies to the commission only.)

IX.

SUBPOENAS.

Subpoenas requiring the attendance of witnesses will, upon application of either party, or upon the order of the commission, or a commissioner, be issued by the Secretary, under the seal of the commission.

Subpoenas for the production of books, papers or documents (unless directed by the commission upon its own motion) will only be issued upon application in writing stating generally what books, papers or documents are required.

X.

SERVICE OF PAPERS.

Copies of papers, notices and other papers must be served upon the adverse party or parties either personally upon their representatives, as requested, or by mail. And when any party has appeared by attorney, service upon such attorney shall be deemed proper service. The Secretary will serve all complaints, answers, notices and other papers, upon the party against whom they are directed, or the party who is directly interested therein.

XI.

ORDERS.

All orders or decisions of the commission shall be signed The Railroad Commission of Montana by the Secretary.

Upon the issuance of any order by the commission against any railroad, carrier, express company or corporation, must promptly notify the Secretary of the receipt or service of such order, and likewise promptly upon a com-

pliance therewith, notify the secretary of such compliance and the date, and when a change in rates is required such notice must be given in addition to the filing of the scale or tariff showing such change of rate.

XII.

COPIES OF PAPERS.

It shall be the duty of the Secretary to prepare, serve and furnish all necessary copies of complaints or pleadings in any proceeding to the opposing party or his counsel.

XIII.

INFORMATION OF PARTIES.

It shall be the duty of the Secretary, upon request, to advise any person as to the form or forms of petitions, complaints or other pleadings required by the commission or necessary to be filed in any case, and furnish such information from the public files in his office as will assist in a full and complete presentation of the questions in controversy.

These rules shall be printed and copies thereof furnished any person requesting same.

XIV.

AMENDMENTS.

The Board reserves the right to alter, change, amend or repeal any of these rules at any time and without notice.

FORMS.

1. Complaint.
2. Answer.
3. Notice of Hearing.
4. Subpoena.
5. Praecipe.
6. Acknowledgment of Service.

NO. 1.

COMPLAINT.

RAILROAD COMMISSION OF MONTANA.

....., Complainant. }
vs. }
..... }
....., Defendant. }

I.

The petition of (Complainant) respectfully shows:

That (state name, occupation and place of business.)

II.

That the above named defendant is a common carrier engaged in business as such in the State of Montana (here insert) business or operations relative to complainant's business.)

.....

.....

III.

That (here state concisely the matters of which complaint is made, separately numbering each separate complaint)

.....

Wherefore, complainant prays (here insert request for relief. Please state fully), and for such other relief as may to the commission seem just and necessary.

Dated this.....day of.....190...

....., Petitioner.

(Complaints may be signed by petitioner or his attorney.)

FIRST ANNUAL REPORT

NO. 2.

ANSWER.

RAILROAD COMMISSION OF MONTANA.

....., Complainant.
vs.
.....
....., Defendant.

The defendant herein for answer to the complaint herein respectfully shows:

I.

The (admissions, denials or affirmative matter. If any of complaints have been satisfied, so state, also state generally reasons for not complying with complaints. Number each paragraph.)

Wherefore, defendant prays that this proceeding be dismissed.

By.....,
(Officer.)

NO. 3.

NOTICE OF HEARING.

RAILROAD COMMISSION OF MONTANA.

....., Complainant.	}	NOTICE.
vs.		
....., Defendant.		

To the above complainant.. and defendant.., you and each of you will please take notice that a hearing will be had in the above entitled proceeding at in....., Montana, on the day of, 190.., at the hour of..... o'clock M.

BOARD OF RAILROAD COMMISSIONERS OF
THE STATE OF MONTANA.

By.....,
Secretary.

NO. 4.

BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

.....
.....
....., Complainant.
vs.
.....
....., Defendant.

}

SUBPOENA.

The State of Montana, Greeting:

To.....
.....
.....

We command you that, all and singular business and excuses being laid aside you appear and attend before our State Board of Railroad Commissioners of the State of Montana, at a session of said Board to be held at in the City of..... in.....County, State of Montana, on the..... day of, A. D. 190.., ato'clock M., then and there to testify on the part of at the hearing of the above entitled matter which is now before the State Board of Railroad Commissioners.

Witness, B. T. Stanton, Nathan Godfrey and E. A. Morley, Commissioners, and the seal of this Commission affixed this.....day of 190..

.....
Secretary of the Commission.

STATE OF MONTANA, } ss.
County of..... }

I,.....

.....

do hereby certify that I am a male white citizen of the United States, over the age of twenty-one years, and in no way interested in the foregoing entitled proceeding; that I received this subpoena on the.....day of.....190.., and personally served the same on

.....

.....

.....

witnesses mentioned therein, except

whom I was unable to find.

Dated this.....day of.....190..

Signed.....

.....

NO. 5.

RAILROAD COMMISSION OF MONTANA.

....., Complainant.
vs.
.....
....., Defendant. } PRAECIPE.

Board of Railroad Commissioners of the State of Montana:

Please (state request)
.....
.....

Dated this.....day of....., 190..

.....

NO. 6.

ACKNOWLEDGMENT OF SERVICE.

Board of Railroad Commissioners, Helena, Montana:

Gentlemen:

The (name of paper) mailed by you to me was received by me the
.....day of, 190..

(Signed)

(The Board requires an acknowledgment of all papers or pleadings
served by its authority.)

RAILROAD COMMISSION LAW

STATE OF MONTANA

ENACTED BY THE TENTH LEGISLATIVE ASSEMBLY 1907

Section 1. There is hereby created and established a Board of Railroad Commissioners of the state of Montana, to be known as the "Board of Railroad Commissioners of the State of Montana," said Board to consist of three members who shall be qualified electors of the state. The first Board of Railroad Commissioners shall be composed of the following persons, namely: B. T. Stanton of Gallatin County; Nathan Godfrey of Lewis and Clark County and E. A. Morley of Silver Bow County.

Board of Railroad Commissioners created

Number of members

Commissioners named

The persons named herein as commissioners shall serve until the first Monday of January, 1909, or until their successors are elected and qualified. At the general election to be held in November, 1908, there shall be elected three commissioners for said Board; one for a term of two years; one for a term of four years, and one for a term of six years, and until their successors are elected and qualified. Said commissioners when elected will qualify at the time and in the manner provided by law for other state officers, and shall take office on the first Monday in January, next after their election.

Term of office

Election

Classification

Each of said members of said Board so elected shall serve until his successor is elected and qualified. Biennially thereafter, at the general election, one member shall be elected for a period of six years, and until his successor is elected and qualified, to succeed the member of such Board whose term shall expire on the first day of January following. Any vacancy occurring in the Board shall be filled by appointment by the Governor, and such appointee shall hold office until

Biennial elections

Term of office

Vacancies filled by appointment by Governor

Election to fill vacancy	the next general election, and until his successor is elected and qualified. At the biennial election following the occurrence of any vacancy in the Board, there shall be elected one member to fill out the unexpired term for which such vacancy exists.
Restrictions of members	No person in the employ of, or holding any official relations to any railroad or owning any stocks, bonds or other securities of any railroad, or who is, or shall become in any manner pecuniarily interested in any railroad, or in any stocks, bonds or other securities thereof, shall be a member of said Board. Any member of said Board who, after his election or appointment to office, or after his induction into office, shall become an employee of or holder of any official relation to any railroad, or who shall become an owner or holder of any stocks, bonds or other securities of any railroad, or have or acquire any pecuniary interest in any stocks, bonds or other securities of any railroad shall forfeit his office, and the Governor shall appoint a successor thereto as herein provided in case of a vacancy in said Board. No Commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest.
Oath	Section 2. Each member of said Board, and each person appointed to office by said Board, before entering upon the duties of his office, shall take and subscribe the oath specified in Section one, Article XIX. of the Constitution of the State of Montana, and such oath shall be filed in the office of the Secretary of State. The members of said Board and the Secretary thereof, shall each give at the same time a bond to the state in the sum of Twenty-five Thousand Dollars, with sureties to be approved by the Governor. conditioned for the faithful discharge of the duties of their respective offices.
Bonds of Commissioners and Secretary	
Office of Board located	Section 3. The office of the Board shall be in the city of Helena, and said office shall always be open during business hours, legal holidays and non-judicial days excepted. The Board shall hold sessions at least once each month in the city of Helena, and at such other times and such other places within this state as may be expedient. The sessions of the Board shall be public. A majority of the Board shall constitute a quorum for the transaction of all business. The members of the Board of Railroad Commissioners shall have the authority to administer oaths and affirmations.
Sessions of Board when and where held	
Quorum	
To administer oaths	
Adopt rules and regulations	The Board shall have power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings of railroad companies and other parties before it, in the establishment of rates, orders, charges and other acts required of it under the law.

Section 4. The Board shall have a seal, and such seal shall have the following words engraved thereon: "Board of Railroad Commissioners of the State of Montana," and said seal shall be affixed only to: First, writs, second, authentications of a record or other proceeding, or to a copy of a document on file in the office of the said Board. The courts of this state shall take judicial notice of such seal.

Official seal

Section 5. The Board shall, immediately after its members have qualified, organize by electing one of its members as chairman, and shall appoint a secretary, who shall possess the same qualifications as members of said Board, to serve during the pleasure of the Board. Said Board shall also have the power to appoint stenographers, inspectors, experts, and other persons whenever deemed expedient or necessary by said Board to the proper performance of its duties.

Organization of Board

Section 6. The salary of each commissioner shall be Four Thousand Dollars per annum; the salary of the Secretary shall be Three Thousand Dollars per annum; and the salary of the stenographer employed by the Board shall be fixed and determined by the Board, and shall not exceed the sum of Twelve Hundred Dollars per annum. The salaries of the persons so employed shall be paid as other expenses of the Board are paid. The salaries of the Commissioners and Secretary shall be paid from the State Treasury in equal quarterly payments, payable April 1st, July 1st, October 1st, and January 1st.

Salaries

Section 7. Said commissioners and the persons in their official employ, when traveling in the performance of their official duties, shall have a right to free transportation, and to have their actual and necessary traveling expenses paid, the amounts to be passed on by the State Board of Examiners and paid as other expenses of the Board. The State shall furnish said Board with suitable offices in the State Capitol Building at Helena, Montana, and provide it with all necessary furniture, stationery and printing, upon requisitions signed by the Chairman of said Board.

How paid

Free transportation

Traveling expenses

Offices, furniture and stationery

Section 8. Said Board shall also be allowed the sum of One Thousand Dollars per annum for postage, expressage, and other incidental expenses. The accounts for payments authorized by this section shall be paid only when audited by the State Board of Examiners, and the Board shall file, with its vouchers for such payments, a statement, verified by a member of the Board, showing the names of all persons employed and the purpose for which they were employed, and the work performed by them.

Incidental expenses allowed

How paid

Secretary's
duties

Section 9. The Secretary shall keep a full and complete record of all proceedings of the Board, and be the custodian of its records, and file and preserve at the office of the Board all books, maps, documents and papers entrusted to his care, and be responsible to the Board for the same. He shall perform such other duties as the Board may prescribe.

Service of
process

Section 10. The process issued by said Board shall be under seal and extend to all parts of the state. Said Board shall have power to issue process in like manner as courts of record. Such process may be served by any person authorized to serve of courts of record, or by any person appointed by the Board for such purpose. In the event the process issued by the Board is a subpoena for the attendance of a witness, and he shall have failed, neglected or refused to obey the same, the Board is hereby authorized to file a petition with any District Court in the State, setting up the facts and the necessity of having such witness appear in such trial, and the Court shall thereupon summarily direct that a subpoena be issued out of the Court requiring the attendance of any person or persons as a witness before the Court; and the Board shall thereupon have the power and authority to examine such witness before said Court, under oath, respecting any inquiry or investigation being made by said Board, under and pursuant to the provisions of this Act. The Court shall likewise when any petition is filed stating the necessity therefor order the production by any person or corporation, for examination in said Court, any books, papers, records or files necessary or pertinent to any inquiry or investigation then being made by said Board.

Production of
books, papers
and records

Jurisdiction

Section 11. The provisions of this act shall apply to the transportation of passengers and property between points within this state, and to the receiving, switching, delivering, storing and handling of such property, and to all charges connected therewith, and shall apply to railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies, and to any shipments of property made from any point within this state to any other point within this state, whether the transportation of the same shall be wholly within this state, or partly within this state and partly within an adjoining state or states. The term "transportation" shall include all instrumentalities of shipment or carriage. The term "railroad" shall be taken to mean any corporation, company or individual owning or operating any railroad, in whole or in part, in this state. It shall also include express companies and sleeping car companies. The term "Board" in

Definitions

this act shall be taken to mean the Board of Railroad Commissioners of the State of Montana. The provisions of this act shall apply to all persons, firms or companies, incorporated or otherwise, that shall do business as common carriers upon any of the lines of railroad in this state.

Section 12. The word "railroad," whenever used in this act shall be held to mean and include railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies, and all common carriers. Definition

Section 13. The power and authority is hereby vested in the said Board, and it is hereby made its duty to adopt as soon as practicable after the organization of the Board, all necessary rates, charges and regulations to govern and regulate freight and passenger tariffs, to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and to make the same effective by enforcing the penalties prescribed in this Act. Powers and authority

The said Board shall have the power, and it shall be its duty, to fairly and justly classify and subdivide all freight and merchandise of whatsoever character that may be transported over the railroads of this state, into such general and special classes or sub-divisions as may be deemed necessary or expedient. The said Board may fix different rates for different railroads and for different lines under the same management, or for different parts of the same lines, if found necessary to do justice, and may make rates for express companies different from the rates fixed for railroads. To classify

To fix rates

Said Board shall also have the power, and it shall be its duty, to fix and establish for all or any connecting lines of railroad in this state reasonable joint rates of freight charges for the various classes of freight, and cars that may pass over two or more lines of such railroads. The rates, tolls or charges on any property which shall for any reason remain unclassified by the Board shall not in any event exceed the highest rates fixed for any classification by said Board. And it shall be within the province of the Board to entertain and hear complaints made by any shipper to the effect that unjust discrimination is being made as against the State of Montana, or any point therein in the way of rates for the transportation of freight or passengers from points without the State, to points within the State and vice versa; and in proper cases, where it appears that the United States Inter-State Commerce Commission Law has been violated, it is hereby made the duty of said Board to make complaint to the Inter-State Commerce Com- Rates and charges

Complaints

Violation of
Inter-state
commerce
laws

mission of the United States and to aid such Commission in any investigation it may make concerning violations of the United States Law, by furnishing evidence, and in any other manner which may seem best suited to enforce both the United States and State Law, and to protect the interests of the people.

Notice of
schedules to
be published

Section 14. When any schedules shall have been made or revised, it shall be the duty of said commissioners to cause notice thereof to be published for two successive weeks in some newspaper published in the city of Helena, which notice shall state the date of taking effect of said schedule, and said schedule shall take effect at the time so stated in such notice, and

Posting notice

Notice of in-
tention to fix
rates

a printed notice of such schedule shall be conspicuously posted by such common carrier in each freight office, and passenger depot upon its lines; provided, that before finally fixing and deciding what the original maximum rates and classifications shall be, it shall be the duty of the railroad commissioners to publish ten days' notice in two daily papers, one of which is published in the city of Helena, setting forth in such notice that at a certain time and place they will proceed to fix and determine such maximum rates and classification; and they shall at such time and place, and as soon as practicable, afford to any person, firm, corporation or common carrier who may desire it, an opportunity to make an explanation or showing or to furnish information to said railroad commissioners on the subject of determining and fixing such maximum rates and classification. All classifications and rates fixed and established by the Board shall become effective twenty days after the railroad affected thereby shall have received certified copies thereof from said Board. Each railroad affected by the provisions of this act shall display in a conspicuous place in each of its stations in the state, a schedule printed in plain legible English type, showing all classifications and rates fixed and established by the said Board.

Hearings

Schedules
when to take
effect

Schedule to be
posted in rail-
road stations

Failure to
comply

Any failure or refusal on the part of any railroad to comply with the provisions of this section shall subject such railroad to a penalty of not less than One Hundred Dollars, nor more than Five Hundred Dollars for each day that such failure or neglect is continued.

Penalty

May amend or
abolish rates
or classifica-
tions

Section 15. The said Board shall have the power from time to time to change, alter, amend or abolish any classification or rate established by it when deemed necessary, and such amended, altered or new classifications or rates shall be put into effect in the same manner as original classifications or rates.

The said Board shall make and establish reasonable rates for the transportation of passengers over each and all of the railroads subject hereto, and shall prescribe rates, tolls, and charges for all other services performed by any railroad subject hereto. The said Board must, within forty days after the filing with such Board of a complaint by a shipper, or other person interested, proceed to investigate and determine the justness and reasonableness of any classification, rate, charge, toll, regulation or order made by said Board.

Passenger
rates

Other services

Investigation
of complaints

Section 16. The Board shall have the general supervision of all railroads, express companies, car companies, sleeping car companies, freight and freight line companies, and any common carrier engaged in the transportation of passengers or property in this state, in all matters pertaining to the duty of said Board and within its power and authority under the provisions of this Act, and shall investigate any alleged neglect or violation of the laws of the state by any railroad or other company above specified doing business therein or by the officers, agents, or employees thereof. The Board shall also have the power and authority, and it shall be its duty, to examine and inspect, or cause to be examined and inspected, under its authority, all books, records, files and papers of the persons and companies specified above, in so far as the same may be pertinent to any matter under investigation before said Board and to hear and take testimony in the progress of any inquiry or investigation authorized by this act.

Duties,
powers and
authority

Section 16A. The said Board or some members thereof, to be deputed by it, shall investigate and make inquiry into every accident occurring in the operation of any railroad in this state, resulting in death or injury to any person, of such gravity as to require the attention of a physician or surgeon, or in the destruction of property greater in value than Two Thousand Dollars. The testimony taken on any such hearing shall be transcribed and filed in the office of the Board.

Railroad acci-
dents to be in-
vestigated

Section 17. It is hereby made the duty of every railroad company operating any line of railroad within this state, promptly upon the occurrence or in connection with the operation of its line within the state, of any accident such as is mentioned in the next preceding section, to report the same to the Board of Railroad Commissioners, in which report shall be stated the time and place of the accident, the names of the persons killed or injured, and the value of any property destroyed.

Accidents
must be re-
ported by rail-
road company

Section 18. The said Board in making any examination or investigation provided for in this act, shall have the power

Subpoenas

Witnesses, per diem and mileage	to issue subpoenas for the attendance of witnesses, by such rules as they may prescribe. Each witness shall receive the sum of Three Dollars per day, together with the sum of five cents per mile traveled by the nearest practicable route in going to and returning from the place of meeting of said commission. And no witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation. No person shall be excused from attending or testifying, or producing any books, papers, documents, or any thing or things, before any court or magistrate, or commissioner or board, upon any investigation, proceeding or trial under the provisions of this Act or for any violation of any of them, upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him, may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but
Exemption of witness from civil or criminal liability	no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence; and no testimony or evidence so given or produced shall be received against him upon any civil or criminal proceeding, action or investigation.
Train service	Section 19. The Board shall have the power, and it shall be its duty, to compel any and all railroads subject hereto, to provide, maintain and operate sufficient train service, both freight and passenger for the proper and reasonable accommodation of the public, and to provide and maintain suitable waiting rooms for passengers, and suitable rooms for freight and baggage at all stations.
Proper accommodation for public	
Attorney General to be counsellor of Board	Section 20. The Attorney General is hereby constituted the attorney and counselor of said Board, and the county attorney of every county in the state, shall, on the request, and at the direction of the Attorney General, assist in all cases, proceedings and investigations undertaken by said Board under this law, in his own county; provided, that said Board shall have power and authority to employ special counsel, with the consent and approval of the Attorney General to assist in any case, matter, proceeding or investigation instituted under this law.
County Attorneys to assist	
Special counsel may be employed	
Duty of Attorney General	It is hereby made the duty of the Attorney General, upon direction of said Board, and of the County Attorney of each county in this state, upon direction of the Attorney General, to institute and prosecute, and to appear and defend, any action or proceeding arising under the provisions of this law.
Suits to have precedence	All suits and proceedings filed in any court of this state, under the provisions of this law, shall have precedence over

all other business in such court, save and except criminal business and original proceedings in the Supreme Court. The fees and expenses of additional counsel shall be fixed and determined by the State Board of Examiners, and allowed and paid as items of expense the same as other items of expense of said Board of Railroad Commissioners.

Fees of additional counsel how paid

Section 21. Actions to review the determination of the Board fixing any classification, rate, toll, charge, regulation, or order, or the refusal of said Board to make, fix or establish any classification, rate, toll, charge, regulation or order, shall be commenced in the District Court of the county having jurisdiction thereof by the filing of a complaint, duly verified as provided for the verification of pleadings in civil actions, and notice may be served upon the party defendant, either by summons issued and served as provided for in the Code of Civil Procedure in civil actions, or the Court may issue an order directed to the defendant requiring him to answer the complaint at such time as the court may deem reasonable; provided, however, that such time shall not be less than five days from the time of the service of such order. Upon the appearance of the defendant, he may deny or admit the facts set forth in said complaint, by answer, which shall be verified as the pleadings in other civil actions. If upon the hearing the Court shall find that the rates fixed or the classifications made are unjust and unreasonable, it shall, thereupon be the duty of said Board to make new rates or a reclassification, as the case may be. All orders or notices required under the provisions of this section may be issued by the Court, or by the Judge thereof at chambers.

Actions to review, in District Court

Process

Answer

Hearing

Orders

Section 22. If any railroad subject hereto, directly or indirectly or by any special rate, rebate, drawback, or other device, shall charge, demand or receive from any person, firm or corporation, a greater or less compensation for any service rendered, or to be rendered, in the transportation of property subject to the provisions of this act, than that fixed by the said Board of Railroad Commissioners for such service, such railroad shall be deemed guilty of extortion, and shall forfeit and pay to the state of Montana not less than Five Hundred, nor more than Two Thousand Dollars for each offense; provided, that nothing herein shall be so construed as to prevent any railroad or railroad corporation from giving excursion rates to or from any point within or without the State.

Rebates

Penalty

Excursions excepted

Section 23. If any railroad subject to this act, or its agents or officers, shall hereafter collect, charge, demand or receive from any person, company, firm or corporation, a

Over charges

	greater rate, charge or compensation than that fixed and established by the said Board of Railroad Commissioners for the transportation of freight, passengers or cars, or for the use of any car on the line of its railroad, or any line operated by it, or for receiving, forwarding, handling or storing any such freight car, or for any other service performed, or to be performed by it, such railroad and its agents and officers shall be deemed guilty of extortion, and shall forfeit and pay to the state of Montana a sum not less than Five Hundred Dollars, nor more than Two Thousand Dollars.
Penalty	
District Court jurisdiction	Section 24. The District Court shall have jurisdiction to enforce by proper decree, injunction or order, the rates, classifications, rulings, orders and regulations made or established by the commission. The proceeding therefor shall be by equitable action in the name of the state, and shall be instituted by the Attorney General or County Attorney, whenever advised by the Board that any railroad is violating or refusing to comply with any rule, order, rate, classification or regulation made by the commission and applicable to such railroad.
Proceedings	
Precedence	Such proceedings shall have the precedence over all other business in such courts, except criminal business. In any action the burden of proof shall rest upon the defendant, who must show by clear and satisfactory evidence that the rule, order, regulation, rate or classification involved is unreasonable and unjust as to them. If in such action, it be the decision of the Court that the rule, regulation, order, rate, or classification is not so unreasonable or unjust, and that in refusing compliance therewith the railroad is thereby failing or omitting the performance of any duty, debt or obligation, the court shall decree a mandatory and perpetual injunction compelling obedience to, and compliance with the rule, regulation, order, rate or classification by the defendant, and its officers, agents, servants and employees, and may grant such other relief as may be deemed just and proper. Any violation of such decree shall render the defendant and officer, agent, servant or servants or employee of the defendant, who is in any manner instrumental in such violation, guilty of contempt, and shall be punishable by a fine not exceeding One Thousand Dollars for each offense, or by imprisonment of the person guilty of contempt until he shall sufficiently purge himself therefrom, and such decree shall continue and remain in effect and be in force until the rule, regulation, order, rate or classification shall be modified or vacated by the Board. Provided, however, that nothing herein contained shall be construed to deprive either party to such proceedings of the right to trial by
Burden of proof	
Decree	
Violation of decree contempt	
Penalty	
Jury trial	

jury, as provided by the seventh amendment to the Constitution of the United States, or as provided by the Constitution of this state. An appeal shall lie to the Supreme Court from the decree in such action, and the cause shall have precedence over all other civil actions of a different nature pending in the Supreme Court.

Appeal

Section 25. Appeals may be taken to the Supreme Court from the judgment of any District Court in any action brought under the provisions of this act; such appeals shall have precedence over all other business, except criminal business, and original proceedings in such Court, and shall be heard and determined as are appeals in civil actions.

Appeals, precedence of

Section 26. Any sum or amount of money paid to any railroad by any person or shipper in excess of the rates, tolls, or charges fixed and established by the Board for such service, may be recovered from such railroad by the person or shipper in any action instituted and maintained in the District Court of the county in which such payment was made, provided such action shall be brought within twelve months from the date of such payment. No contract or agreement, written or otherwise, between such person or shipper and the said railroad, shall be admissible in evidence for the purpose of showing a waiver of the right given by this section. No voluntary payment by any person or shipper of any such excess or overcharge to any railroad shall be, or held to be a waiver on the part of such person or shipper of the right to sue and recover for such excess or overcharge, as provided for in this section. If, upon the trial of such action, it shall satisfactorily appear to the court or jury that such overcharge was wilfully made, the person or shipper bringing the said action shall be awarded damages in treble the amount of such excess or overcharge, together with the costs and expenses of such action, including a reasonable attorney's fee, to be taxed and collected as other costs in the action.

Recovery of excess payments

Limitation

What not waiver

Damages

Section 27. Any railroad may bring an action in the District Court of the county where the principal office or place of business is situated, or in any county where any such classification, rate, toll, charge, regulation or order of the Board is applicable, against the said Board as defendant, to determine whether or not any such classification, rate, toll, charge, regulation or order made, fixed or established by the Board under the Provisions of this act is just and reasonable; provided, that until the final decision in any such action the classification, rate, toll, charge, regulation or order of the Board affecting rates or charges shall be deemed to be final and conclusive;

Action by railroad

Proviso

Costs and provided, further, that in any action, hearing or proceeding in any court, the classification, rate, tolls, charges, regulations and orders made, fixed and established by said Board shall prima facie be deemed to be just, reasonable and proper. All costs and expenses incurred in the hearing, trial or appeal of any action brought under this section, shall be fixed and assessed as by the court may seem just and equitable.

Action by shipper Section 28. Any shipper, or other person interested, may bring an action in the District Court of the County where the principal office or place of business of such railroad is situated, or in any county where any classification, rate, toll, charge, regulation or order of the Board is applicable, against the said Board of Railroad Commissioners as defendant, to determine whether or not any such classification, rate, toll, charge, regulation or order made, fixed or established by the Board under the provisions of this act is just and reasonable; provided, that until the final decision in any such action, the classification, rate, toll, charge, regulation or order of the Board affecting rates or charges shall be deemed to be final and conclusive; except as herein otherwise provided; and provided, further, that in any action, hearing or proceeding in any court, the classifications, rates, tolls, charges, regulations and orders made, fixed and established by said Board shall prima facie be deemed to be just, reasonable and proper. Costs shall be awarded in all actions brought under the provisions of this section as in other civil causes.

Proviso

Costs

Violation of Act Section 29. If any railroad shall wilfully violate any provision of this act, or shall do any other act herein prohibited, or shall refuse to perform any and all lawful orders emanating from said railroad commission relating to rates and charges, or any other duty enjoined upon it, for which a penalty has not herein been provided, for every such act of violation it shall pay to the state of Montana a penalty of not more than Five Hundred Dollars.

Penalty

Disposition of penalties Section 30. All penalties and forfeitures incurred, levied and made under the provisions of this act, shall be collected by said Board of Railroad Commissioners and paid over to the State Treasurer and credited to the General Fund; provided, however, that should the said Board fail or refuse to institute appropriate action for the recovery of any penalty or forfeiture provided for herein, for the space of sixty days after notice of the cause of complaint by such person or shipper aggrieved, such person or shipper may institute and prosecute such action in the name of the state against such railroad, in the same manner as could the said Board.

Proviso

Action in name of State

Section 31. No railroad commissioner, nor the said secretary shall, directly or indirectly, solicit or request from, or recommend to any railroad corporation, or any officer, attorney or agent thereof, the appointment of any person to any place or position. Nor shall any railroad corporation, its attorney or agent, offer any place, appointment or position or other consideration to such commissioners or either of them, nor to any clerks or employees of the commission or of the Board, neither shall the commissioners or either of them, nor their secretary, clerks, agents, employees or experts, accept, receive or request any pass from any railroad in this state, for themselves or for any other person, except as herein otherwise provided, or any present, gift or gratuity of any kind from any railroad corporation, and the request or acceptance by them, or either of them, except as herein specified, of any such place or position, pass, presents, gifts or other gratuity, shall work a forfeit of the office of the commissioner or commissioners, secretary, clerk or clerks, agent or agents, and employee or employees, expert or experts, requesting or accepting the same.

Soliciting or
receiving
favors, gifts
or gratuities
prohibited

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not more than Five Hundred Dollars, or imprisonment not more than six months, or by both such fine and imprisonment.

Misdemeanor

Penalty

Section 32. The Board shall require verified annual reports from each and every railroad owning, operating or having any line of railroad in this State, prescribe the manner in which such reports shall be made, and may require specific answers to all questions upon which the Board may desire information. It shall be the duty of the president or other officer in charge of such railroad to make such report and answers to the Board. The Board may, at such other times as it may deem necessary, require such other information, statements or reports, as may be deemed necessary, and fix the time for filing of the same. Any railroad failing or refusing to make or file such annual report, or failing or refusing to furnish such additional information, statements or reports, as may be demanded by the Board, shall forfeit the sum of Five Hundred Dollars for each day that such refusal or neglect shall be continued.

Annual re-
ports by rail-
roads

Statements or
reports
deemed neces-
sary

Failure to
furnish

Penalty

Section 33. Said Board shall make and submit to the Governor annual reports containing a full and complete account of the transaction of their office, together with such facts, suggestions and recommendations as may be by them deemed necessary, which report shall be published as the reports of other departments of the state. The said report shall contain

Annual report
of Board to
Governor

What to con-
tain

Duty of Board to enforce and prosecute	a statement as to the number of accidents investigated by the Board, as herein provided, and the number of persons killed or injured in them, and generally the causes of such accidents.
Violations to be reported to proper law officers	<p>Section 34. It is hereby made the duty of such Board to see that the provisions of this act and all laws of this state concerning railroads are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the state therefor recovered and collected. And said Board shall report all such violations, with the facts in their possession, to the Attorney General or other officer charged with the enforcement of the laws, and request him to institute the proper proceedings; and all suits between the state and any railroad shall have precedence in all courts over all civil causes, original proceedings in the Supreme Court excepted. If any commissioner shall fail to perform his duties as provided for in this act, he may be removed from office as provided for by Title II, Chapter II, Part II, of the Penal Code, and upon complaint made and good cause shown, the Governor is authorized to suspend any commissioner or commissioners, and if in his judgment, the exigencies of the case require, the Governor is authorized to appoint temporarily some competent person or persons to perform the duties of such suspended commissioner or commissioners during the period of such suspension.</p>
Failure of Commissioner to perform duties	<p>Section 35. This act shall not have the effect to release or waive any right of action by the state or any person for any right, penalty or forfeiture which may have arisen, or may hereafter arise, under any law of this state, and all penalties accruing under this act shall be cumulative to each other, and a suit for or recovery of one, shall not be a bar to the recovery of any other penalty.</p>
Governor may suspend and make temporary appointment	<p>Section 36. The sum of \$50,000.00, or so much thereof as may be needed, is hereby appropriated from moneys not otherwise appropriated, for the years 1907 and 1908 for the purpose of carrying into effect the provisions of this act.</p>
Right of action not released or waived	<p>Section 37. All acts and parts of acts in conflict herewith are hereby repealed.</p>
Appropriation	<p>Section 38. This act shall take effect and be in full force from and after its passage and approval by the Governor.</p>
Repealing clause	
When Act takes effect	

E. W. KING,
Speaker of the House.
EDWIN L. NORRIS,
President of the Senate.

(Note by the Secretary of State.)
This bill having remained with the Governor five days and the Legislative Assembly being in session, it has become a law this 26th day of February, 1907.
Filed February 20, 1907, at 2:45 p. m.
A. N. YODER, Secretary of State.

CONSTITUTION OF THE STATE OF MONTANA.

ARTICLE XII.

REVENUE AND TAXATION.

Sec. 7. The power to tax corporations or corporate property shall never be relinquished or suspended, and all corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal and other purposes, on real and personal property owned or used by them and not by this constitution exempted from taxation.

Daly Bank & Trust Company vs. Board of Commissioners, 33 Mont. 101.

Northwestern Life Insurance Company vs. Lewis and Clark County, 28 Mont. 484.

Sec. 16. All property shall be assessed in the manner prescribed by law except as is otherwise provided in this constitution. The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this state shall be assessed by the state board of equalization, and the same shall be apportioned to the counties, cities, towns, townships and school districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities, towns, townships and school districts.

Missouri River Power Company vs. Steele, 32 Mont. 433.

Mutual Life Insurance Company vs. Martien, 27 Mont. 437.

Clark vs. Maher, 34 Mont. 391.

Danforth vs. Livingston, 23 Mont. 558.

Sec. 17. The word property as used in this article is hereby declared to include moneys, credits, bonds, stocks, franchises and all matters and things (real, personal and mixed) capable of private ownership, but this shall not be construed so as to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by such stocks is within the state and has been taxed.

Northwestern Mutual Life Insurance Company vs. Lewis and Clark County, 28 Mont. 484.

Gelsthrope vs. Furnell, 20 Mont. 299.

ARTICLE XIII.

PUBLIC INDEBTEDNESS.

Sec. 1. Neither the state, nor any county, city, town, municipality, nor other subdivision of the State shall ever give or loan its credit in aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association or corporation, or become a subscriber to, or a share holder in, any company or corporation, or a joint owner with any person, company or corporation, except as to such ownership as may accrue to the state by operation or provision of law.

Gelsthrope vs. Furnell, 20 Mont. 299.

ARTICLE XV.

CORPORATIONS OTHER THAN MUNICIPAL.

Sec. 1. All existing charters, or grants of special or exclusive privileges, under which the corporations or grantees shall not have organized or commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity.

Morrison vs. Clark, 24 Mont. 514.

Sec. 2. No charter of incorporations shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are or may be under the control of the state; but the legislative assembly shall provide by general law for the organization of corporations hereafter to be created; Provided, That any such laws shall be subject to future repeal or alterations by the legislative assembly.

Allen vs. Ajax Mining Company, 30 Mont. 490.

Morrison vs. Clark, 24 Mont. 514.

Sec. 3. The legislative assembly shall have the power to alter, revoke or annul any charter of incorporation existing at the time of the adoption of this constitution, or which may be hereafter incorporated, whenever in its opinion it may be injurious to the citizens of the State.

Sec. 4. The legislative assembly shall provide by law that in all elections for directors or trustees of incorporated companies, every stockholder shall have the right to vote in person or by proxy the number of shares of stock owned by him for as many persons as there are directors or trustees to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit, and such directors or trustees shall not be elected in any other manner.

Sec. 5. All railroads shall be public highways, and all railroad, transportation and express companies shall be common carriers and subject to legislative control, and the legislative assembly shall have the power to regulate and control by law the rates of charges for the transportation of passengers and freight by such companies as common carriers from one point to another in the state. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any designated points within this state and to connect at the state line with railroads of other states and territories. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad.

B. A. & P. Ry. vs. Mont. Union Ry., 16 Mont. 504.

O. P. Att'y Gen'l 1905-06, p. 30.

Sec. 6. No railroad corporation, express or other transportation company, or the lessees or managers thereof, shall consolidate its stock, property or franchise, with any other railroad corporation, express or other transportation company, owning or having under its control a parallel or competing line; neither shall it in any manner unite its business or earnings with the business or earnings of any other railroad corporation; nor shall any officer of such railroad, express or other transportation company act as an officer of any other railroad, express or other transportation company owning or having control of a parallel or competing line.

State ex rel Atty Genl. vs. Mont. Ry. Company, 21 Mont. 221.

MacGinnis vs. B. & M. Etc. Co., 29 Mont. 428.

Sec. 7. All individuals, associations, and corporations shall have equal rights to have persons or property transported on and over any railroad, transportation or express route in this state. No discrimination in charges or facilities for transportation of freight or passengers of the same class shall be made by any railroad, or transportation, or express company, between persons or places within this state; but excursion or commutation tickets may be issued and sold at special rates, provided such rates are the same to all persons. No railroad or transportation, or express company shall be allowed to charge, collect, or receive, under penalties which the legislative assembly shall prescribe, any greater charge or toll for the transportation of freight or passengers to any place or station upon its route or line, than it charges for the transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this state. No railroad, express, or transportation company, nor any lessee, manager, or other employe thereof, shall give any preference to any individual, association or corporation, in furnishing cars or motive power, or for the transportation of money or other express matter.

B. A. & P. Ry. vs. Mont. Union Ry. 16 Mont. 504.

Mont. Union Ry. vs. Langlors, 9 Mont. 419.

Sec. 8. No railroad, express, or other transportation company, in existence at the time of the adoption of this constitution, shall have the benefit of any future legislation, without first filing in the office of the secretary of state an acceptance of the provisions of this constitution in binding form.

Sec. 9. The right of eminent domain shall never be abridged, nor so construed as to prevent the legislative assembly from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals; and the police powers of the state shall never be abridged, or so construed, as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the state.

B. A. & P. Ry. vs. Mont. Union, 16 Mont. 504.

Sec. 10. No corporation shall issue stocks or bonds, except for labor done, services performed, or money and property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

Sec. 11. No foreign corporation shall do any business in this state without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served. And no company or corporation formed under the laws of any other country, state or territory, shall have, or be allowed to exercise, or enjoy within this state any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of the state.

Criswell vs. Mont. Cent. Ry., 18 Mont. 167.

Mutual, Etc. Company vs. Winne, 20 Mont. 20.

State vs. Cruse Bank, 21 Mont. 50.

Wastl vs. Mont. Union Ry., 24 Mont. 159.

MacGinnis vs. B. & M., Etc. Co., 29 Mont. 429.

State vs. Aetna Bank, 34 Mont. 379.

First Nat'l Bank of Butte vs. Weidenback, 97 Fed. 896.

Sec. 12. No street or other railroad shall be constructed within any city or town without the consent of the local authorities having control of the street or highway proposed to be occupied by such street or other railroad.

State ex rel. Co. vs. City of Red Lodge, 30 Mont. 338.

Sec. 13. The legislative assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the state, a new liability in respect to transactions or considerations already passed.

State ex rel. vs. Dickerman, 16 Mont. 278.

Mutual, Etc. Co. vs. Winne, 20 Mont. 20.

Sec. 14. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct or maintain line of telegraph or telephone within this state, and connect the same with other lines; and the legislative assembly shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph or telephone company owning or having the control of a competing line, or acquired by purchase or otherwise, any other competing line of telegraph or telephone.

MacGinnis vs. B. & M. Co., 29 Mont. 429.

State ex rel. vs. City of Red Lodge, 30 Mont. 338.

State ex rel. vs. City of Helena, 34 Mont. 67.

Sec. 15. If any railroad, telegraph, telephone, express or other corporation or company organized under any of the laws of this state, shall consolidate, by sale or otherwise, with any railroad, telegraph, telephone, express, or other corporation, organized under any of the laws of any other state or territory of the United States, the same shall not thereby become a foreign corporation, but the courts of this state shall retain jurisdiction over that part of the corporate property within the limits of the state in all matters that may arise as if said consolidation had not taken place.

Sec. 16. It shall be unlawful for any person, company or corporation to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement whereby such persons, company or corporation, shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in the service of such person, company or corporation, by reason of negligence of such person, company or corporation, or the agents or employes thereof; and such contracts shall be absolutely null and void.

Schmidt vs. Mont. Etc. Ry., 15 Mont. 106.

Criswell vs. Mont. Etc. Ry., 18 Mont. 166.

Sec. 17. The legislative assembly shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

Lee vs. So. Pac. Ry., 38 L. R. A. 71.

Central Trust Co. vs. Warren, 121 Fed. 323.

Sec. 18. The term "corporation", as used in this article, shall be held and construed to include all associations and joint stock companies, having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue, and shall be subject to be sued in all courts in like cases as natural

persons, subject to such regulations and conditions as may be prescribed by law.

Sec. 19. Dues from private corporations shall be secured by such means as may be prescribed by law.

Sec. 20. No incorporation, stock company, person or association of persons in the state of Montana, shall directly, or indirectly combine or form what is known as a trust, or make and contract with any person, or persons, corporations or stock company, foreign or domestic, through their stockholders, trustees, or in any manner whatever, for the purpose of fixing the price, or regulating the production of any article of commerce, or of the product of the soil, for consumption by the people. The legislative assembly shall pass laws for the enforcement thereof by adequate penalties to the extent, if necessary for that purpose, of the forfeiture of their property and franchises, and in case of foreign corporations prohibiting them from carrying on business in the state.

MacGinnis vs. B. & M. Co., 29 Mont. 428.

State vs. Packing Company, 33 Mont. 179.

COMPILATION OF MONTANA LAWS AFFECTING RAILROADS.

POLITICAL CODE.

FEES OF SECRETARY OF STATE.

165 (§ 410.) The Secretary of State, for services performed in his office, must charge and collect the following fees:

I. For each copy of any law, resolution or record, or other document or paper on file in his office, twenty cents per folio.

II. For affixing certificate and seal, One Dollar.

III. For issuing each certificate of incorporation and each certificate of increase of capital stock, Three Dollars.

IV. For recording and filing each certificate of incorporation and each certificate of increase of capital stock, the following amounts shall be charged:

Amounts up to \$100,000.00, Fifty Cents per Thousand Dollars.

Additional from \$100,000.00 to \$250,000.00, Forty Cents per Thousand Dollars.

Additional from \$250,000.00 to \$500,000.00, Thirty Cents per Thousand Dollars.

Additional from \$500,000.00 to \$1,000,000.00, twenty cents per Thousand Dollars.

Additional over \$1,000,000.00, Ten Cents per Thousand Dollars.

Providing that no fee for filing any articles of incorporation on increase of capital stock shall be less than \$20.00, except religious societies, churches, and organization for religious purposes, not having a capital stock, and not being organized for the purpose of profit.

V. For issuing each certificate of decrease of capital stock, Three Dollars.

VI. For recording and filing each certificate of decrease of capital stock, Five Dollars.

VII. For issuing each certificate of continuance of corporate existence, Three Dollars.

VIII. For recording and filing each certificate of continuance of corporate existence, the following amounts shall be charged:

Amounts up to \$10,000.00, Twenty-five Cents per Thousand Dollars.

Additional from \$100,000.00 to \$250,000.00, Twenty Cents per Thousand Dollars.

Additional from \$250,000.00 to \$500,000.00, Fifteen Cents per Thousand Dollars.

Additional from \$500,000.00 to \$1,000,000.00, Ten Cents per Thousand Dollars.

Additional over \$1,000,000.00, Five Cents per Thousand Dollars.

IX. For recording and filing each notice of removal of place of business, each certificate of change of name, or each certificate making capital stock assessable, Three Dollars.

X. For filing each certified copy of charter or articles of incorporation of any foreign corporation, the same fee shall be charged as is provided for in Article IV of this Section, for domestic corporations.

XI. For filing each notice of appointment of agent, Five Dollars.

XII. For filing each annual or semi-annual statement of any foreign corporation, Five Dollars.

XV. For searching the records and archives of the State, One Dollar.

XVI. For filing each trade mark, Three Dollars; and for issuing each certificate of record, One Dollar.

XVII. For recording miscellaneous papers, records, or other documents, for filing One Dollar; for recording, Twenty Cents per folio.

XVIII. For filing any other paper not otherwise herein provided for, One Dollar for filing and Twenty Cents per folio for recording.

(Act approved March 3, 1905.)

DRAINS.

Section 2426. Construction of drain along railroad right of way.

Section 2427. Construction of drain across railroad right of way.

Section 2428. Refusal of railroad company to construct culvert.

2426. Drains may be laid along the line of any railroad within its right of way: Provided, Such drain shall not be to the injury of the road-bed. Whenever it is proposed to construct a drain along the line, and within the right of way of any railroad, and the company owning or operating such road shall refuse or neglect to permit such drain to be constructed or release the right of way therefor within the time prescribed in this act such release shall be obtained in the same manner as is provided in this act for obtaining private lands: Provided, That no drain shall be constructed along the line of any railroad without the consent of the company owning or operating such road, if it shall appear to the special commissioners or jury that such drain can be equally well laid on private lands.

(Act approved March 7, 1905, Art. II. Sec. 14.)

2427. Whenever it is necessary to run a drain across the right of way or roadbed of any railroad, the same proceedings shall be had throughout in all respects as in cases provided in this act for obtaining private lands for the construction of drains, except as hereinafter provided. It shall be the duty of the railroad company when notified by the county drain commissioner so to do, to make and maintain a suitable culvert. Notice in writing to make opening, and to construct such culvert, shall be served upon such company by leaving a copy thereof with the ticket or freight agent or general officer of such railroad company, at least thirty days before such railroad company shall become liable.

(Act approved March 7, 1905, Art. II, Sec. 15.)

2428. In case such railroad company shall refuse or neglect to comply with the provisions of the preceding section, it shall be liable to a penalty of ten dollars for each day's refusal or neglect to make such opening and construct such culvert. The county attorney of the county which such railroad company shall have refused or neglected to comply with the provisions of the preceding section shall, upon complaint being made by the county drain commissioner, bring suit to collect such penalty or fines, and it shall be his duty to prosecute the same to a final determination in any court having competent jurisdiction.

(Act approved March 7, 1905, Art. II, Sec. 17.)

CIVIL CODE.

CORPORATIONS DEFINED AND HOW ORGANIZED.

- Section 3805. Corporation defined.
- Section 3806. What are public and what are private corporations.
- Section 3807. Corporations, how formed.
- Section 3808. For what purpose private corporations are formed.
- Section 3809. Reservation of power to repeal.
- Section 3810. Corporate existence cannot be questioned.
- Section 3811. Name.
- Section 3812. Corporate name may be changed.
- Section 3813. Record of change.
- Section 3814. Corporate obligations not impaired by change.
- Section 3817. Name of instrument creating corporation.
- Section 3818. Articles of incorporation, what to contain.
- Section 3819. Certain corporations to state further facts in articles.
- Section 3820. Three or more persons to sign and acknowledge articles.
- Section 3821. Certified copy of articles prima facie evidence.
- Section 3822. Who are members and who are stockholders of corporations.
- Section 3823. Filing articles of incorporation.
- Section 3824. Stock issued for purchase of property.
- Section 3825. Corporations, how formed.
- Section 3826. May extend term of existence and increase stock, etc.
- Section 3827. How change effected.
- Section 3828. Same.

3805. (§ 390.) A corporation is a creature of the law, having certain powers and duties of a natural person. Being created by the law, it may continue for any length of time which the law prescribes.

State ex rel. vs. Rotwitt, 18 Mont. 87.

3806. (§ 391.) Corporations are either public or private. Public corporations are formed or organized for the government of a portion of the state; all other corporations are private.

3807. (§ 392.) Private corporations may be formed by the voluntary association of any three or more persons in the manner prescribed in this article.

3808. (§ 393.) The purpose for which the private corporation mentioned in the last section are:

15. The construction and maintenance of a railroad and of a telegraph line in connection therewith and a street railroad of any kind.

16. The construction and maintenance of any other species of roads, and of bridges in connections therewith.

17. The construction and maintenance of a bridge.

18. The construction and maintenance of a telegraph line, telephone or electric light line.

19. The establishment and maintenance of a line of stages.
20. The establishment and maintenance of a ferry.
21. The carriage of property and persons by express.
22. The building and navigation of steamboats and carriage of persons and property thereon.

No corporation must be formed for any other purposes than those mentioned in this section.

3809. (§ 394.) Every grant of corporate power is subject to alteration, suspension, or repeal, in the discretion of the legislative assembly.

Allen vs. Ajax Mining Co., 30 Mont. 490.

3810. (§ 395.) One who assumes an obligation to an ostensible corporation, as such, cannot resist the obligation on the ground that there was in fact no such corporation until that fact has been adjudged in a direct proceeding for the purpose.

3811. (§ 396.) Every corporation must have a corporate name, which it has no power to change unless expressly authorized by law; but the name is to be deemed so far matter of description, that a mistake in the name of any instrument may be disregarded, if a sufficient description remains by which to ascertain the corporation intended.

3812. (§ 397.) That the name of any corporation now organized and existing or which may hereafter be organized under any of the statutes of this state relating to corporations may be altered, changed or amended by a vote of a majority of the stockholders of such corporation duly assembled at any regular meeting or at any special meeting duly called for that purpose.

(Act approved March 2, 1893.)

3813. (§ 398.) Whenever a name of a corporation is changed, altered or amended under the provisions of this act it shall be the duty of the secretary thereof to certify the same for record to the Secretary of State and to the county clerk of the county wherein the principal place of business of such corporation is situated.

(Act approved March 2, 1893.)

3814. (§ 399.) Nothing in this act contained shall impair or affect any liability or obligation of any corporation whose name is changed, altered or amended hereunder.

(Act approved March 2, 1893.)

3817. (§ 402.) The instrument by which a private corporation is formed is called "Articles of Incorporation."

State ex rel. vs. Rotwitt, 18 Mont. 87.

3818. (§ 403.) Articles of Incorporation must be prepared, setting forth:

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place where its principal business is to be transacted.
4. The term for which it is to exist, not exceeding twenty years.

5. The number of its directors or trustees, which shall not be less than three nor more than thirteen, and the names and residences of those who are appointed for the first three months and until their successors are elected and qualified.

6. The amount of its capital stock and the number of shares into which it is divided, and if there be more than one class of stock, created by the Articles of Incorporation, a description of the different classes with the terms on which the respective classes are created.

(Act approved March 7, 1905, § 1.)

7. If there is a capital stock the amount actually subscribed, and by whom.

8. If the stock is assessable it must be so stated.

3819. (§ 404.) The articles of incorporation in the following cases must also state:

5. Articles of incorporation of any railroad company shall also state the names of the counties, states, territories and countries where the termini of said road are to be located, and those through which said road shall pass, and the general route of said road, also the amount of capital stock necessary to construct the same.

3820. (§ 405.) The articles of incorporation must be subscribed by three or more persons, and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyances of real property.

3821. (§ 407.) A copy of any articles of incorporation filed in pursuance of this Chapter, and certified by the secretary of state, must be received in all courts and other places as prima facie evidence of facts therein stated.

3822. (§ 408.) The owners of shares in a corporation which has a capital stock are called stockholders. If a corporation has no capital stock, the incorporators and their successors are called members.

3823. (§ 409.) No corporation hereafter formed shall purchase, locate, or hold property in any county in this state, without filing a copy of the copy of its articles of incorporation in the office of the secretary of state, duly certified by such secretary of state, in the office of the county clerk of the county in which such property is situated, within sixty days after such purchase or location is made. Every corporation now in existence, whether formed under the provisions of this code or not, must, within ninety days after the passage of this code, file such certified copy of the copy of its articles of incorporation in the office of the county clerk of every county in this state in which it holds any property, except the county where the original articles of incorporation are filed; and if any corporation hereafter acquire any property in a county other than that in which it now holds property, it must, within ninety days thereafter, file with the clerk of such county such certified copy of the copy of its articles of incorporation. The copies so filed with the several county clerks and certified copies thereof shall have the same force and effect in evidence as would the originals. Any corporation failing to comply

with the provisions of this section shall not maintain or defend any action or proceeding in relation to such property, its rents, issues, or profits, until such articles of incorporation and such certified copy of its articles of incorporation, shall be filed at the places directed by the general law and this section; Provided, that all corporations shall be liable in damages for any and all loss that may arise by the failure of such corporation to perform any of the foregoing duties within the time mentioned in this section; and provided further that the said damages may be recovered in an action brought in any court of this state of competent jurisdiction, by any party or parties suffering the same.

3824. (§ 410.) The directors of any corporation may purchase mines, manufactories and other property necessary for its business, and issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and taken to be full paid stock and not liable to any further call, neither shall the holders thereof be liable for any further payments under the provisions of section 3853 (§ 470) of this code; Provided, That on mines any arbitrary value may be fixed and such value shall, regardless of the actual value, be deemed the value thereof, so as to make the stock issued in payment therefor at such arbitrary value, full paid stock as above defined; and whenever stock has been heretofore issued by corporations in payment for mines purchased by it, such stock so issued shall be deemed full paid stock regardless of the actual value of the mine at the time of such purchase. In all statements and reports of the corporation to be published, this stock shall not be stated or reported as being issued for cash paid into the corporation. but shall be reported in this respect according to the facts.

(Act approved March 7, 1895.)

3825. (§ 411.) At any time hereafter, any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical, or chemical business; of digging ditches, of building flumes, or mining tunnels; of purchasing, holding, developing, improving, using, leasing, selling, conveying of otherwise disposing of water powers and the sites thereof and lands necessary or useful therefor, or for the industries and habitations arising or growing up, or to arise or grow up, in connection with or about the same; of purchasing, holding, laying out, platting, developing, leasing, selling, dealing in, conveying or otherwise using or disposing of townsites or towns or the lots, blocks or subdivisions thereof, or, lots, blocks, or subdivisions in any town, village, or city; or of carrying on any other branch of business designed to aid in the industrial or productive interests of the country and the development therefor of one or more of the aforesaid branches of business, or for any of the purposes for which private corporations may be formed, as set forth in Section 3808 (393) of this Code, must prepare, sign, acknowledge, and file Articles of Incorporation in the office of the county clerk of the county in which the principal business of the company is to be transacted, and copy thereof, certified by the county clerk, with the secretary of state, whereupon the secretary of state must

issue to the corporation over the great seal of the State, a certificate that a copy of the articles, containing the required statement of facts has been filed in his office. Thereupon the persons signing the articles and their associates and successors, shall be a body politic and corporate by the name stated in the certificate, and for a term of forty years, unless in the articles of incorporation otherwise stated, or in this code otherwise specially provided, but in no case where not otherwise specially provided in this code, must such term exceed forty years; Provided, however, that no articles of incorporation shall be accepted and filed by the Secretary of State which designate a name for the proposed corporation which is the same as that of any existing domestic corporation, or which in the judgment of the Secretary of State is so similar to the name of any existing domestic corporation as to mislead or confuse persons dealing with such corporations; and provided further, that nothing herein shall affect the present term of existence of any corporation heretofore incorporated under this section for a period of forty years.

(Act approved March 7, 1907.)

MacGinnis vs. B. & M. Co., 29 Mont. 428.

3826. (§ 412.) Any corporation or company heretofore formed, either by special act or under the general law, and now existing, or any company which may be formed under this chapter, may increase or diminish its capital stock, by complying with the provisions of this chapter, to any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to any other branch named in Section 3825 of this Chapter and may also extend the term of its existence, subject to the provisions and liabilities of this Chapter; Provided, however, that no corporation shall have power under this chapter to extend the term of existence for a period longer than will make the term of existence of said corporation longer in all than forty years from the date of its original incorporation; and before any corporation shall be entitled to diminish the amount of its capital stock, if the amounts of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital; and any existing company heretofore formed under any special act may come under and avail itself of the provisions of this chapter, by complying with the following provisions, and thereupon such company, its officers and stockholders, shall be subject to all restrictions, duties and liabilities of this chapter.

(Act approved March 2, 1893.)

3827. (§ 413.) Whenever any company shall decide to call a meeting of stockholders for the purpose of availing itself of the privileges of this chapter, or for increasing or diminishing the amount of its capital stock, or for extending or changing its business, or for extending the term of its existence, it shall be the duty of the trustees to publish a notice, signed by at least a majority of them, in a newspaper in the county, if any shall be pub-

lished therein, at least six successive weeks, and to deposit a written or printed copy thereof in the postoffice, addressed to each stockholder at his usual place of residence, at least six weeks previous to the day fixed for holding such meeting, specifying the object of the meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital, and the business to which the company would be extended or changed, and the length of time for which it is proposed to extend the term of the existence of the corporation; and a vote of at least two-thirds of all the shares of stock shall be necessary for an increase or diminution of the amount of its capital stock, or the extension or change of its business, or the extension of the term of its existence as aforesaid, or to enable the company to avail itself of the provisions of this chapter.

(Act approved March 2, 1893.)

3828. (§ 414.) If, at the time and place specified in the notice provided for in the preceding sections of this chapter, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present in person or by proxy, and if, on canvassing the votes, it shall appear that a sufficient number of votes have been cast in favor of increasing or diminishing the amount of the capital stock, or for extending or changing the business, or for extending the term of existence of the corporation as aforesaid, or for availing itself of the privileges and provisions of this chapter, a certificate of the proceedings showing a compliance with the provisions of this chapter, the amount of capital actually paid in, the business to which it is extended or changed, the time for which the term of the existence of the corporation is extended, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman, and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman and filed and recorded as required by Section 3825 of this chapter, and when so filed and recorded the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed, and the term of the existence of the corporation extended as in said certificate specified, and the company shall be entitled to the privileges and provisions and be subject to the liabilities of this Chapter, as the case may be.

(Act approved March 2, 1893.)

RESIGNATION OF DIRECTORS.

Section 3852. Resignation of directors or officers of corporations.

3852. Any director, trustee or other officer of a corporation, may resign his office by delivering to the secretary or president of the corporation, or depositing in the postoffice, in an envelope securely sealed, with the neces-

sary amount of postage prepaid thereon, and addressed to the corporation, at its principal place of business, his written resignation, and filing in the office of the clerk and recorder of the county where the principal office or place of business of the said corporation is situated, a duplicate of the said resignation, together with an affidavit of the delivery or mailing of said resignation, as above specified, or an acknowledgment of service thereof and by publishing in two consecutive issues of the official paper of the county where said company may be doing business, a notice of said resignation, and the director, trustee, or other officer shall upon such filing and publication no longer be responsible for any act or default of the corporation, or of the other officers thereof, occurring after the date of said filing; Provided, however, that any director, trustee, or other officer, shall also comply with the by-laws of the corporation relating to resignations of directors or officers. This act shall apply to resident directors of foreign corporations having a place or places of business in this state, as well as to directors and other officers of domestic corporations.

(Act approved March 5, 1907.)

STOCK AND STOCKHOLDERS.

- Section 3853. Liability of stockholders.
- Section 3854. Certificates, how and when issued.
- Section 3855. Transfer of shares.
- Section 3856. Same by married women, and dividends.
- Section 3857. Non-resident stockholders, and bonds.
- Section 3858. Five per cent of stock may demand statement.
- Section 3859. Loan to stockholders.
- Section 3861. Foreign registry. Proxy.
- Section 3862. Notice of meetings waived.
- Section 3863. Bearer may vote.
- Section 3864. Dividends payable to bearer.
- Section 3865. Bearer certificates convertible into registered certificates.
- Section 3866. Corporation may adopt necessary by-laws.

3853. (§ 470.) The stockholders of every corporation shall be severally and individually liable to the creditors of the corporation in which they are stockholders, to the amount of unpaid stock held by them respectively, for all acts and contracts made by such corporation, until the whole amount of capital stock subscribed for shall have been paid in.

3854. (§ 471.) All corporations for profit must issue certificates for stock when fully paid up, signed by the president and secretary, and may provide, in their by-laws, for issuing certificates prior to the full payment, under such restriction and for such purposes as their by-laws may provide.

3855. That the delivery of a stock certificate of a corporation to a bona fide purchaser or pledgee for value, together with a written transfer of the same, or a written power of attorney to sell, assign and transfer the same, signed by the owner of the certificate, shall be a sufficient delivery to transfer the title as against the creditors of the transferor and subsequent purchasers;

but no such transfer shall affect the right of the corporation to pay any dividend due upon the stock, or treat the holder of record as the holder in fact, until such transfer is recorded upon the books of the corporation, or a new certificate is issued to the person to whom it has been transferred.

(Act approved March 7, 1907.)

3856. (§ 473.) Shares of stock in corporations held or owned by a married woman may be transferred by her, her agent, or attorney, without the signature of her husband, in the same manner as if such married woman were a feme sole. All dividends payable upon any shares of stock of a corporation held by a married woman may be paid to such married woman, her agent or attorney, in the same manner as if she were unmarried, and it is not necessary for her husband to join in a receipt therefor; and any proxy or power given by a married woman touching any shares of stock of any corporation owned by her is valid and binding without the signature of her husband, the same as if she were unmarried.

3857. (§ 474.) When the shares of stock in a corporation are owned by persons residing out of the state, the president, secretary, or directors of the corporation, before entering any transfer of the shares on its books, or issuing a certificate therefor to the transferee, may require from the attorney or agent of the non-resident owner, or from the person claiming under the transfer, an affidavit or other evidence that the non-resident owner was alive at the date of the transfer, and if such affidavit or other satisfactory evidence be not furnished, may require from the attorney, agent, or claimant, a bond of indemnity, with two sureties, satisfactory to the officer of the corporation, or, if not so satisfactory, then one approved by the judge of the district court of the county in which the principal office of the corporation is situated, conditioned to protect the corporation against any liability to the legal representatives of the owner of the shares, in case of his or her death before the transfer; and if such affidavit or other evidence or bond be not furnished when required, as herein provided, neither the corporation nor any officer thereof, shall be liable for refusing to enter the transfer on the books of the corporation.

3858. (§ 475.) Whenever any person or persons owning five per cent of the capital stock of any corporation, shall present a written request to the treasurer thereof that they desire a statement of the affairs of such corporation, it shall be the duty of such treasurer to make a statement of the affairs of the corporation, under oath, embracing a particular account of all its assets and liabilities in minute detail, and to deliver such statement to the persons who presented the said written request to the treasurer within twenty days after such presentation, and shall also, at the same time, place and keep on file in his office for six months thereafter a copy of such statement, which shall, at all times during business hours, be exhibited to any stockholder of said corporation demanding an examination thereof; such treasurer, however, shall not be required to deliver such statement in the manner aforesaid oftener than once in six months. If such treasurer shall neglect or refuse to comply

with any provisions of this chapter, he shall forfeit and pay to the person presenting said request the sum of fifty dollars, and the further sum of ten dollars for every twenty-four hours thereafter until such statement shall be furnished, to be sued for and recovered in any court having cognizance thereof.

3859. (§ 476.) No loan of money shall be made by any corporation to any stockholder therein, and if any such loan shall be made to a stockholder, the officer who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the corporation contracted before the repayment of the sum loaned.

3861. Any corporation which shall have issued bearer certificates may establish agencies in other states and in foreign countries whereat holders or bearers of bearer certificates may, under such regulations as the corporation shall prescribe, register and deposit their bearer certificates of stock for voting purposes. Such corporation shall have the right to appoint and prescribe duties of, fix the compensation and remove at pleasure its agent or agents at such agencies, and also to establish rules and regulations for registering and depositing bearer certificates of stock, and may at any time close up or terminate any such agency. Whenever at any meeting of the stockholders of such corporation for election or other purposes any such agent shall certify to the corporation in such manner as it may prescribe, that there is registered and deposited with him, to be held by him until after the meeting for which such registration and deposit shall have been made, a bearer certificate or certificates describing each by its face number, number of shares represented and date of issue, and stating when and by whom deposited, the person who shall have made such deposit, may, in writing attested by such agent, appoint some suitable person to represent him at such meeting as his proxy and there vote the shares of stock represented by his said bearer certificate or certificates so deposited; and thereupon the person to whom such proxy shall have been given may vote the shares of stock represented by such bearer certificate or certificates in all matters and things upon which votes are cast or had at such meeting.

(Act approved March 8, 1897, § 2.)

3862. It shall not be necessary for the corporation or its officers or trustees or directors to give any personal notice or notice by mail to holders or bearers of such bearer certificates of any meeting of stockholders for the purpose of electing trustees or directors, or for any other purpose, or for any action taken or proposed to be taken by such corporation or its stockholders or its trustees or its directors at any meeting, but such notice may, in every case, be given to such holders or bearers of bearer certificates by publication in a newspaper as now provided by law and shall be valid and binding. Every holder of a bearer certificate shall be held to have waived any notice of any stockholders' meeting for any purpose, or of any action or proposed action of the corporation or its stockholders or trustees or directors except notice by publication in some newspaper when it is required by law.

(Act approved March 8, 1897, § 3.)

3863. Except as herein provided stock or shares of stock represented by a bearer certificate can only be voted or represented by actual production of such bearer certificate at the time of voting or representation and by the bearer thereof. In all cases the actual production of a bearer certificate shall, so far as the corporation is concerned be conclusive evidence of the bearer's right to vote or represent the shares it represents.

(Act approved March 8, 1897, § 4.)

3864. Dividends to holders of bearer certificates shall only be paid to the bearers thereof upon production of such certificates, except where such certificates of stock have attached to them dividend coupons payable, to bearer, in which case dividends may be paid to the bearer, of the proper dividend coupon upon its presentation and surrender without the production of the certificate to which such dividend coupons belonged.

(Act approved March 8, 1897, § 5.)

3865. Bearer certificates may at any time be converted into registered certificates such as are now provided for by law, upon the request of the bearer of such bearer certificates and the surrender of such bearer certificates to the corporation and the cancellation thereof; and registered certificates may also be converted and exchanged for bearer certificates at the request of the owners of such registered certificates and the surrender and cancellation thereof.

(Act approved March 8, 1907, § 6.)

3866. The corporation may do all acts and adopt all by-laws and resolutions necessary or proper to carry into effect the powers herein granted and to provide for details in the exercise thereof, subject, however, to the provisions of this act.

(Act approved March 8, 1897, § 7.)

GENERAL POWERS.

- Section 3889. Powers of corporations.
- Section 3890. Limitation of powers.
- Section 3891. Issuing bills prohibited.
- Section 3892. Corporations to organize within one year.
- Section 3893. Consolidation not to make foreign corporation.
- Section 3894. Decrease or increase of stock or extending business, how.
- Section 3895. May acquire real property, how much.
- Section 3896. Consolidation of mining corporations.
- Section 3897. Corporation may sell all its property: procedure.
- Section 3898. Dissolution upon sale.
- Section 3899. Rights of dissenting stockholders.
- Section 3900. Appeal from appraisers.
- Section 3901. Not to affect mining statutes.

3889. (§ 520.) Every corporation, as such, has power:

1. Of succession, by its corporate name, for the period limited in its articles of incorporation.
2. To sue and be sued, in any court.

3. To make and use a common seal, and alter the same at pleasure.

4. To purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

5. To appoint such subordinate officers or agents as the business of the corporation may require, and to allow them suitable compensation.

6. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

7. To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation.

8. To create two or more kinds of stock of such classes, with such designation, preferences and voting powers, or restrictions or qualifications thereof, as shall be stated or expressed in the Articles of Incorporation and the power to increase or decrease the stock, as in this code elsewhere provided, shall apply to all or any of the classes of stock; but at no time shall the total amount of the preferred stock exceed two-thirds of the actual capital paid in cash or property; and such preferred stock may, if desired, be made subject to redemption at not less than par, at a fixed time and price, to be expressed in the stock certificate thereof; and the holders thereof shall be entitled to receive, and the corporation shall be bound to pay thereon, a fixed yearly dividend, if actually earned, to be expressed in the certificate, not exceeding eight per centum, payable quarterly, semi-annually or annually, before any dividend shall be set apart or paid in the common stock, and such dividend may be made cumulative. Unless its original or amended Articles of Incorporation shall so provide, no corporation shall create preferred stock.

(Act approved March 7, 1905, § 3.)

3890. (§ 521.) In addition to the powers enumerated in the preceding section, and to those elsewhere expressly given, no corporation shall possess or exercise any corporate powers, except such as are necessary to the exercise of the powers so enumerated and given.

3891. (§ 522.) No corporation shall create or issue bills, notes, or other evidence of debt, upon loans or otherwise, for circulation as money.

3892. (§ 523.) If a corporation does not organize and commence the transaction of its business or the construction of its works within one year from the date of its incorporation, its corporate powers cease. The due incorporation of any company, claiming in good faith to be a corporation under this part, and doing business as such, or its right to exercise corporate powers, shall not be inquired into, collaterally, in any private suit to which such de facto corporation may be a party; but such inquiry may be had at the suit of the State on information of the Attorney General.

3893. (§ 524.) If any railroad, telegraph, telephone, express, or other corporation or company organized under any of the laws of this state, shall consolidate by sale or otherwise with any railroad, telegraph, telephone, express, or other corporation organized under any of the laws of any other state or territory, or of the United States, the same shall not thereby be

come a foreign corporation, but the courts of this state shall retain jurisdiction over that part of the corporate property within the limits of the state in all matters that may arise as if said consolidation had not taken place.

3894. (§ 525.) No corporation shall issue stocks or bonds except on money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. Every corporation may increase or diminish its capital stock, or create or increase its bonded indebtedness, or extend or change its business, subject to the foregoing provision of this section, at a meeting called by the directors for the purpose, as follows:

1. Notice of the time and the place of the meeting, stating its object and the amount to which it is proposed to increase or diminish the capital stock and the extension or change proposed in its business, must be personally served on each stockholder resident in the state, at his place of residence, if known, and if not known, at the place where the principal office of the corporation is situated, and be published in a newspaper published in the county of such principal place of business once a week for six weeks successively

2. The capital stock must in no case be diminished to an amount less than the indebtedness of the corporation, or the estimated cost of the works which it may be the purpose of the corporation to construct.

3. At least two-thirds of the entire capital stock must be represented by the vote in favor of the increase, diminution, extension or change, before it can be effectual.

4. A certificate must be signed by the chairman and secretary of the meeting and a majority of the directors, showing a compliance with the requirements of this section, the amount to which the capital stock has been increased or diminished, or the extension or change of business provided for, the amount of stock represented at the meeting, and the vote by which the object was accomplished.

5. The certificate must be filed in the office of the county clerk where the original articles of incorporation were filed, and a certified copy thereof in the office of the secretary of state, and thereupon the capital shall be so increased, or diminished, or the business so extended or changed, or the bonded indebtedness may be increased accordingly.

3895. (§ 526.) No corporation shall acquire or hold any more real property than may be reasonably necessary for the transaction of its business, or the construction of its works, except as otherwise specially provided. A corporation may acquire real property as provided in the Code of Civil Procedure, title VII, part III.

State ex rel. vs. District Court, 34 Mont. 535.

H. P. Co. vs. Spratt, 35 Mont. 108.

3896. (§ 527.) It is lawful for two or more corporations formed under the laws of Montana territory, or of this state, or that may hereafter be formed, under the laws of this state, for mining purposes, which own or possess mining claims or lands adjoining each other, or lying in the same vicin-

ity, to consolidate their capital stock, debts, property, assets, and franchises, in such manner and upon such terms as may be agreed upon by the respective boards of directors of such corporations so desiring to consolidate their interests; but no such consolidation must take place without the consent of the stockholders representing two-thirds of the capital stock of each corporation, and no such consolidation relieves such corporations, or the stockholders thereof, from any and all just liabilities; and in case of such consolidation, due notice of the same must be given, by advertising, for one month, in at least one newspaper in the county and state where the said mining property is situated, if there be one published therein, and also in one newspaper published in the county where the principal place of business of any of said corporations shall be. And when the said consolidation is completed, a certificate thereof, containing the manner and terms of said consolidation, must be filed in the office of the county clerk of the county in which the original articles of incorporation of any of said corporations are filed, and a copy thereof filed in the office of the secretary of state; such certificate must be signed by a majority of each board of directors of the original corporations, and it is their duty to call, within thirty days after the filing of such certificate, and after at least ten days' public notice, a meeting of the stockholders of all of said corporations so consolidated, to elect a board of directors for the consolidated corporation, for the year next ensuing. The said certificate must also contain all the requirements prescribed in Section 3818 (403) of this Code. This section applies to all corporations formed under the laws of this state, or territory of Montana whether formed under this code or prior thereto.

MacGinnis vs. B. & M. Co., 29 Mont. 428.

3897. That the board of directors or trustees of any stock corporation organized under the laws of either the Territory or State of Montana, whether before or after the passage of this Act and whether the same is solvent or insolvent, or whether it is a going or prosperous concern or otherwise, shall have power, and upon request of stockholders of the corporation representing at least one-half of the outstanding capital stock, and of record on the books of the company, it shall be their duty to call, by resolution, a meeting of the stockholders of such corporation, appearing as such upon the books of the corporation, for the purpose of considering the question of selling, or disposing of the whole or any part of the property and assets of every kind and description of such corporation. Such meeting shall be held at the principal office or place of business of such corporation, and at least thirty days previous notice of the time and place of such meeting shall be given to each person who appears as a stockholder upon the books of the corporation. The secretary of the corporation shall make out and deposit in the United States Post Office, postage paid, a notice of such meeting, directed to each stockholder of record of the corporation by his name and to his place of residence appearing on said records, and shall make and file his affidavit of such deposit. Such notice shall be considered as given upon the deposit of the

same in the Post Office, as above required, and it shall state the time and place of meeting and that the meeting is to consider and decide upon the question of disposing of, or selling the whole or any part of the property of said corporation. If such meeting is called for the purpose of selling, or disposing of the whole of the property of the corporation, the notice shall so state, but if it is for the purpose of selling or otherwise disposing of only a part of the property of the corporation, the notice shall so state and describe generally what part it is. A similar notice shall also be published, at least once a week for at least four successive weeks preceding the day of the stockholders' meeting, in some newspaper of general circulation published at or near the office or principal place of business of such corporation, or if there is no newspaper published in said place, then the nearest place thereto where a newspaper is published, and said publication shall be proven by affidavit of the publisher or clerk of such newspaper, filed with the Secretary of such corporation. Upon the day appointed for said meeting, if stockholders representing at least two-thirds of the whole number of shares of the capital stock of the corporation then outstanding and of record on the books of the company, appear in person or by agents or proxies filed with the secretary, the stockholders shall organize by electing one of their number chairman and some suitable person secretary.

Thereupon, any proposition for the sale or disposition of the whole or any part of the property or assets of the corporation, of every kind or description, may be considered and acted upon by said meeting, and if stockholders representing at least two-thirds of the whole number of shares of the capital stock of said corporation then outstanding, and of record on the books of the company, appearing at said meeting in person or by agents or proxies as above provided, vote in favor of any such proposition, whether proposed by the directors or trustees or not, as the stockholders may see fit, which proposition shall be in the form of a resolution specifying the particulars thereof and entered on the minutes of said stockholders' meeting, the said proposition or resolution shall be taken and adopted as the act of the corporation and shall be carried out as such and shall be approved and adopted by the Board of Directors or Trustees. The secretary of such meeting shall enter upon the minutes of said stockholders' meeting the number of shares voted for or against the proposition or resolution, and by whom voted, and stockholders voting against said proposition or resolution shall be taken as dissenting therefrom. Upon the adoption of any proposition or resolution such as above referred to, by the stockholders' meeting, the secretary of the meeting shall make out a true and complete copy of the minutes of the Stockholders' meeting, which shall be signed by the chairman of such meeting and attested by said secretary and verified by them and acknowledged as required in the case of the conveyance of real estate, and shall file the same for record in the office of the county clerk and recorder of the county wherein the principal office or place of business of such corporation is situated, and also in the office of the county clerk and recorder

of any other counties wherein any of the real property included in the proposition or resolution adopted by said stockholders' meeting is situated, and said record shall impart notice and have the same effect as other instruments required by law to be recorded, and such copies so filed and recorded, or the record thereof, or the certified copy of such record, shall be prima facie evidence of the matters and facts therein stated, and thereupon, and upon the adoption and approval by the Board of Directors or Trustees of the corporation of such proposition or resolution, the corporation and its officers shall have full power and authority to do all acts and to execute all conveyances or their instruments in writing which are necessary or proper to carry out the said proposition or resolution, and the sale, or conveyance of the whole or any part of the property of said corporation authorized by said proposition or resolution, shall thereupon take effect and have the same force as if all the stockholders of the corporation had consented thereto.

Provided, that nothing contained in this Act shall be deemed to limit or restrain the powers of the Board of Directors or Trustees of such corporations in relation to the disposition of property or the conduct of business:

Provided further, that this Act shall not be so construed as to effect any cases now pending in the courts of this state or of the United States.

(Act approved March 7, 1905.)

3898. If a disposition shall be made by sale, as above provided of the whole of the property of such corporation, the corporation shall thereby be dissolved, and its affairs shall be wound up, as provided for in other cases of the dissolution of corporations.

(Act approved March 7, 1905, § 2.)

3899. Any stockholder who shall not, at said stockholders' meeting, have voted for or authorized the proposition or resolution for the disposition of property which may have been adopted at such stockholders' meeting may, within twenty days after the date of a stockholders' meeting, give written notice to the said corporation that he does not assent thereto and also a like notice to the grantee or vendee, or any agent or representative of such grantee or vendee; *Provided*, that such grantee or vendee, or agent or representative of such grantee or vendee be within the state, and demand payment of the value of his stock, and within ten days after the service of said notice he must, or the said corporation, or its grantee or vendee, may, make application in the district court of the county where the principal place of business of the corporation is situated to have the value of his stock fixed and appraised, of which application at least ten days previous notice must be given by the person so applying to the other parties. The notices hereinbefore provided for may be served in the manner provided by law for the service of summons in cases in the district court. Upon said application, the said court shall appoint three competent and disinterested persons as appraisers, and designate the time and place of their first meeting to appraise the value of the stock of such dissenting stockholders, and give them such directions as the said court may think proper.

The court may fill any vacancies in the board of appraisers, occurring by refusal or neglect to serve, or otherwise. Said appraisers shall meet at the time and place designated by the court, and they or any two of them shall take an oath to honestly and faithfully discharge their duties, and shall hear and take evidence in relation to the value of the stock of such dissenting stockholder at the time of his dissent and find the value thereof, and return and file their report and appraisal with the clerk of said court. The charges and expenses of such appraisal shall be paid by the corporation or its grantee or vendee.

(Act approved March 7, 1905, § 3.)

3900. Either party to the appraisal and award of such appraisers may, within thirty days from the filing of the same and service of notice thereof, appeal from such award to the district court of the county in which the same is made and filed, and thereupon the value of such stock shall be re-assessed by a jury in the same manner as appeals are taken and trials had on appeals from the assessment of commissioners in condemnation proceedings provided by law. When such appraisal or award shall become final, the court shall enter judgment in favor of such dissenting stockholders and against the corporation and its grantee or vendee for the amount of said award, with expenses and costs of proceedings, and execution may be issued on said judgment as in other cases. The judgment may also provide for the sale of the property affected by the lien hereinafter provided for. The claim of such dissenting stockholder for compensation and costs, as aforesaid, and the appraisal and award and judgment thereon shall be and remain a lien upon all the real property of the corporation so conveyed or disposed of in pursuance of the stockholders' resolution, and shall be prior and superior to the rights of the grantee or vendee to all such property; but the claims of all dissenting stockholders for compensation and their several appraisements, awards and judgments, shall be equal liens upon said property, without precedence or priority between themselves. When the amount of such appraisal and costs shall have been paid to or collected by such dissenting stockholder or deposited with the clerk of the said court for him, he shall cease to have any interest in said stock or in the corporate property of such corporation which may have been sold or disposed of in pursuance of the resolution of the stockholders' meeting as herein provided, and the stock of such dissenting stockholder shall thereupon become the property of the party satisfying the said judgment or appraisal unless otherwise provided for by contract between such corporation and its grantee.

(Act approved March 7, 1905, § 4.)

3901. Nothing in this Act shall be deemed to limit or effect anything contained in the act of the sixth session of the Legislative Assembly, entitled, House Bill No. 132; "An Act to enlarge the powers of mining corporations to dispose of, sell, lease, mortgage, exchange, or otherwise convey, all or any part of the property of such corporations, and to authorize and empower such corporations to dispose of, sell, lease, mortgage, or otherwise

convey, the whole or any part of the property of such corporations, and to protect stockholders dissenting from such actions of such corporations." (Sec. 4409, *et seq.*)

(Act approved March 7, 1905, § 5.)

RECORDS.

Section 3902. Records of what and how kept.

Section 3903. Other records to be kept by corporations for profit, and others.

3902. (§ 540.) All corporations for profit are required to keep a record of all their business transactions; a journal of all meetings of their directors, members, or stockholders, with the time and place of holding the same, whether regular or special, and if special, its object, how authorized, and the notice thereof given. The record must embrace every act done or ordered to be done; who were present, and who absent; and, if requested by any director, member, or stockholder, the time must be noted when he entered the meeting or obtained leave of absence therefrom. On a similar request, the ayes and noes must be taken on any proposition, and a record thereof made. On a similar request, the protest of any director, member, or stockholder, to any action or proposed action must be entered in full; and such records must be open to the inspection of any director, member, stockholder or creditor of the corporation.

3903. (§ 541.) In addition to the records required to be kept by the preceding section, corporations for profit must keep a book, to be known as the "Stock and Transfer Book," in which must be kept a record of all stock; the names of the stockholders, or members, alphabetically arranged; instalments paid or unpaid; assessments levied, and paid and unpaid, a statement of every alienation, sale or transfer of stock made, the date thereof, and by and to whom; and all such other records as the by-laws prescribe. Corporations for religious and benevolent purposes must provide in their by-laws for such records to be kept as may be necessary. Such stock and transfer book must be kept open to the inspection of any stockholder, member or creditor.

EXAMINATION OF CORPORATIONS, ETC.

Section 3904. Chapter and Article may be repealed.

3904. (§550.) The legislative assembly may at any time amend or repeal this part, or any Title, Chapter, Article, or Section thereof, and dissolve all corporations created thereunder; but such amendment or repeal does not, nor does the dissolution of any such corporation take away or impair any remedy given against any such corporation, its stockholders, or officers, for any liability which has been previously incurred.

Allen vs. Ajax Mining Co., 30 Mont. 490.

EXTENSION AND DISSOLUTION OF CORPORATIONS.

Section 3905. Proceedings to disincorporate.

Section 3906. On dissolution, directors to be trustees for creditors.

Section 3907. Any corporation may extend its corporate existence, how.

Section 3908. Title I, to apply to all corporations with certain exceptions.

3905. (§ 560.) A corporation is dissolved:

1. By the expiration of the time limited by its charter; or,
2. By a judgment of dissolution, in the manner provided by the Code of Civil Procedure, title VI., part III., and chapter V., of title X., part II.
3. By an act of Legislative Assembly.

3906. (§ 561.) Unless other persons are appointed by the court, the directors of such corporation at the time of its dissolution are trustees of the creditors and stockholders or members of the corporation dissolved, and have full power to settle the affairs of the corporation, and as such trustees are authorized to execute all grants of real estate owned by such corporation.

3907. (§ 562.) Every corporation formed for a period less than twenty years may at any time prior to the expiration of the term of its corporate existence extend such term to a period not exceeding twenty years from its formation. And every corporation may extend the period of its existence for an additional term not exceeding twenty years, after the expiration of the period for which it was formed, as follows: Such extension may be made at any meeting of the stockholders or members called by the directors expressly for considering the subject, if voted by stockholders representing two-thirds of the capital stock, or by two-thirds of the members, or be made upon the written assent of that number of stockholders or members. A certificate of the proceedings of the meeting upon such vote, or upon such assent, shall be signed by the chairman and secretary of the meeting and a majority of the directors, and be filed in the office of the county clerk where the original articles of incorporation were filed, and a certified copy thereof in the office of the secretary of state, and thereupon the term of the corporation shall be extended for the specified period.

3908. (§ 563.) The provisions of this title are applicable to every corporation, unless such corporation is excepted from its operation, or unless a special provision is made in relation thereto inconsistent with some provision of this title, in which case the special provision prevails.

H. P. T. Co. vs. Spratt, 35 Mont. 108.

RAILROAD CORPORATIONS—GENERAL POWERS.

- Section 4271. May construct and operate railroads.
- Section 4272. Capital stock.
- Section 4273. Sale of delinquent stock.
- Section 4274. Books to be opened for subscription. Election of directors.
- Section 4275. Powers of a railroad corporation.
- Section 4276. Right of way in canyon.
- Section 4277. Survey, annual work, and completion of road.
- Section 4278. Railroads on reservations.
- Section 4279. May change location or grade.
- Section 4280. May borrow money and secure payment.
- Section 4281. May buy and sell necessary real estate.
- Section 4282. May divert treams, etc.
- Section 4283. Principal office.
- Section 4284. May maintain telegraph line.
- Section 4285. State not responsible for debts of railroad.
- Section 4286. Liability to employe.
- Section 4287. May increase capital stock.
- Section 4288. May accept provisions of act of congress
- Section 4289. Regulations.
- Section 4290. Annual report, what to contain.
- Section 4291. May extend line into Montana.
- Section 4292. Two or more may consolidate.
- Section 4293. May lease or purchase other railroads.
- Section 4294. May issue and secure bonds.
- Section 4295. Judgment against.

4271. (§ 890.) Any railroad corporation shall be authorized to locate, construct, maintain, and operate a railroad with a single or double track, with such side tracks, turnouts, machine shops, offices and depots as may be necessary between any points it may select within the places named in the articles of incorporation as termini of such road, and it may construct branches to any point in this state, and connect its road with that belonging to any other person or corporation, and may consolidate with any road not a parallel or competing line.

State ex rel. vs. Rotwitt, 34 Mont. 535.

Daly Bank Etc. Co. vs. Street Ry. Co., 32 Mont. 294.

4272. (§ 891.) The capital stock of such corporation shall consist of such sum as may be named in the articles of incorporation, in shares of one hundred dollars each; such shares shall be regarded as personal property. An installment of ten per centum on each share of stock shall be paid at the time of making the subscription, and the residue thereof shall be paid in installments, not exceeding twenty-five per centum on the capital stock, which installments shall not be called for more frequently than once in three months, and shall be payable at the principal office of the corporation to such persons as may be required by the directors.

4273. (§ 892.) If any installment of stock shall remain unpaid for sixty days after the time specified for payment thereof, whether such stock is held by the original subscriber or his assignee, trustee or successor in interest, the directors may sell the stock so unpaid at public auction for the installment then

due thereon, first giving thirty days public notice of the time and place of sale in some newspaper of general circulation in this State and by written notice sent by mail within five days after default made, to each stockholder who is in default and whose name appears upon the books of the corporation, directed to him at his place of residence, or if that is not known to the secretary, then to his address as last reported by the secretary of the corporation; and if any residue of money shall remain after paying the amount due on said stock, the same shall, on demand, be paid over to the owner; but where any stock shall have belonged to a person deceased, the claim for installments shall not be liable to sale hereunder until a failure by the personal representative of the deceased owner to pay the installments due in regular course of administration.

4274. (§ 893.) The persons named in said articles of incorporation, or a majority of them, shall be authorized to order books to be opened for receiving subscriptions to the capital stock of said corporation, at such time or times and at such place or places as they may deem expedient, after having given at least thirty days' notice in a newspaper of general circulation in this state, of the time and place of opening books; and as soon as five per centum on the capital stock shall be subscribed, they may give like notice for the stockholders to meet at such time and place, within the state, as they may designate, for the purpose of electing five or more directors, who shall continue in office until the time fixed for the annual election, which time shall be within six months from the date when such directors were elected, and until their successors are elected and qualified; at the time and place appointed directors shall be elected in the manner provided in section 3835 (436) of this code.

After the first election of directors, no person save the personal representatives of deceased persons, as aforesaid, shall vote on any share on which any installment is in default by reason of the non-payment thereof, after the expiration of the thirty days' notice of sale hereinbefore provided for. The persons named in such articles, or such of them as may be present, shall be inspectors of such election, and shall certify what persons are elected directors, and appoint the time and place for holding their first meeting. A majority of said directors shall form a board and be competent to fill vacancies therein, make by-laws, and transact all business of the corporation. A new election shall be annually held for directors, at such time and place as the stockholders at their first meeting shall determine, or as the by-laws of the corporation may require; and the directors elected at any election shall, so soon thereafter as may be convenient, choose one of their number to be president, and shall appoint a secretary and a treasurer of the corporation. The directors, before entering upon their duties, shall each take an oath or affirmation faithfully to discharge his duties; and they may from time to time make such dividends of the actual net profits of said corporation as they may think proper, and shall hold their offices until their successors are elected and qualified.

4275. (§ 894.) Every railroad corporation has power:

1. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route for the railroad; and for such purposes their officers, agents, and employes may enter upon the lands or waters of any person, subject to liability for all damages which they do thereto.

2. To receive, hold, take, and convey, by deed or otherwise, as a natural person, such voluntary grants and donations or real estate and other property which may be made to it to aid and encourage the construction, maintenance, and accommodation of such railroad.

3. To purchase, or by voluntary grants or donations to receive, enter, take possession of, hold, and use all such real estate and other property as may be absolutely necessary for the construction and maintenance of such railroad, and for all stations, depots, and other purposes necessary to successfully work and conduct the business of the road.

4. To lay out its road, not exceeding in width one hundred feet on each side of its centre line, unless a greater width be required for the purpose of excavation or embankment, and to construct and maintain the same, with a single or double track, and with such appendages and adjuncts as may be necessary for the convenient use of the same.

5. To construct their road across, along, or upon any stream of water, watercourse, roadstead, bay, navigable stream, street, avenue, or highway, or across any railway, canal, ditch or flume, which the route of its road intersects, crosses, or runs along, in such manner as to afford security for life and property; but the corporation shall restore the stream or watercourse, road, street, avenue, highway, railroad, canal, ditch or flume thus intersected to its former state of usefulness, as near as may be or so that the railroad shall not unnecessarily impair its usefulness or injure its franchise.

6. To cross, intersect, join, or unite its railroad with any other railroad, either before or after construction, at any point upon its route, and upon the grounds of such other railroad corporation, with the necessary turnouts, sidings and switches, and other conveniences in furtherance of the objects of its connections; and every corporation whose railroad is, or shall be hereafter, intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant facilities therefor; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or the manner of such crossings, intersections, and connections, the same shall be ascertained and determined as is provided in title VII., part III., Code of Civil Procedure.

7. To purchase lands, timber, stone, gravel, or other materials to be used in the construction and maintenance of its road, and all necessary appendages and adjuncts, or acquire them in the manner provided in title VII., part III., Code of Civil Procedure, for the condemnation of lands; and to change the line of its road, in whole or in part, whenever a majority

of the directors so determine, as is provided hereinafter; but no such change must vary the general route of such road as contemplated in its articles of incorporation.

8. To carry persons and property on their railroad, and receive tolls or compensation therefor.

9. To erect and maintain all necessary and convenient buildings, stations, depots, fixtures, and machinery for the accommodation and use of their passengers, freight and business.

10. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor within the limits prescribed by law, and subject to alteration, change, or amendment by the legislative assembly at any time.

11. To regulate the force and speed of their locomotives, cars, trains, or other machinery used and employed on their road, and to establish, execute, and enforce all needful and proper rules and regulations for the management of its business transactions usual and proper for railroad corporations.

State ex rel. vs. Rotwitt, 34 Mont. 535.

4276. (§ 895.) Any corporation whose right of way, or whose track upon such right of way, extends through any canyon, pass or defile, shall not exclude any other such corporation from a passage through the same upon equitable terms and in case of disagreement upon application of either of the parties, with notice to the other, the same shall be adjusted by a court of competent jurisdiction; and if the passage of any such railroad through the canyon, pass or defile causes the disuse or change of location of any public wagon road, that may traverse the same, damages shall be awarded therefor, as provided by the Code of Civil Procedure, and if it shall become necessary for any other railroad company passing through the state to cross or pass any other railroad track or defile already constructed or surveyed, the same may be so done without any compensation therefor, except the actual damage done by so doing; and when two or more companies desire to pass through the same canyon, pass or defile, neither shall exclude the other from passing through the same, and neither shall have any compensation therefor, except the actual damage done by so doing; and should it be necessary that the said companies should use the same track or bed in passing through such canyon, pass or defile, the same may be done without any compensation therefor from one to the other, except the actual damage by so doing.

4277. (§ 896.) Every railroad corporation shall be required to complete fifteen miles upon each of its lines, branches, or extensions, each year subsequent to the passage of this title in the case of companies already organized, and each year subsequent to the filing of articles of incorporation in the case of corporations hereafter organized. But organization under this chapter shall not be deemed to confer any right to any portion of its line as designated in its articles of incorporation on which a preliminary survey and location shall not have been made, and if such corporation shall fail to comply with the requirements of this section, it shall forfeit its charter and all

the rights and privileges conferred by said articles as to any incomplected portion of its line of road. Each railroad corporation shall complete the whole line of it sroad within five years from the passage of this chapter, in the case of corporations already organized, and within seven years from the date of filing articles of incorporation in the case of corporations hereafter organized. Upon the written application of any county attorney of a county through which the line of said road would pass, made to the district court, setting forth the alleged cause of such forfeiture, it shall be the duty of such court, after notice to the corporation, to examine the cause, and if, in its judgment, sufficient cause exists for such forfeiture, to declare and enforce the forfeiture.

4278. (§ 897.) Any railroad corporation now or hereafter organized under the laws of this state, for the purpose of building railroads which extend upon Indian or military reservations within this state, shall not forfeit its charter, or any rights or privileges, by reason of its failure to build and complete any portion of its road upon such reservations, until a grant of a right of way therefor has been obtained from the United States, or any parties authorized in that behalf, and thereafter the provisions of this chapter shall be applicable to said corporations.

4279. (§ 898.) Whenever any corporation organized under this chapter shall find it necessary for the purpose of avoiding annoyance to public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the location or grade of any portion of its road, such railroad corporation is hereby authorized to make such changes, not departing from the general route prescribed in the articles of incorporation.

4280. (§ 899.) Any corporation organized under this chapter shall have power to borrow money on the credit of the corporation to an amount not exceeding its authorized capital stock, at a rate of interest to be agreed upon by the respective parties, and may execute bonds therefor in sums of not less than one hundred dollars, and secure the payment thereof by mortgage or pledge of the property and income of such corporation. And if the said mortgage shall so provide, it shall be and remain a valid lien upon all of the property of said corporation of whatever kind then existing, or that may thereafter be by it acquired, irrespective of the law now in force relating to chattel mortgages, and the same shall be taken, held and enforced in the same manner as mortgages upon real estate now are held and enforced.

4281. (§ 900.) Any such corporation may acquire by purchase or gift any lands in the vicinity of its road or through which the same may pass, so far as may be convenient or necessary to secure the right of way, or such as may be granted to aid in the construction of such road, and convey the same in such manner as the directors may prescribe, and all deeds and conveyances made by such corporation shall be signed by the president, under the seal of the corporation.

4282. (§ 901.) It shall be lawful for such corporation, whenever it may be necessary in the construction of its road to cross any road or stream of water, to divert the same from its present location or bed; but such corporation shall, without unnecessary delay, place such road or stream in such condition as not to impair its former usefulness.

4283. (§ 902.) Every such corporation shall, as soon as convenient after its organization, establish a principal office at some point on the line of its road, and may change the same at pleasure, giving public notice in one or more newspapers in the state having the largest circulation, and notice to the secretary of state of such establishment or change.

4284. (§ 903.) Any such corporation is hereby authorized to construct, maintain and operate a telegraph line along its road. The provisions of this chapter concerning the grant for station buildings, work shops, depots, machine shops, switches, sidetracks, turn-tables and water stations shall not apply to mineral lands of the United States, or to lands reserved by the United States, nor to any lands as against the United States.

4285. (§ 904.) Nothing in this Chapter shall be construed to make the State, or any municipality therein, liable for any debts or obligations of any character which may be contracted by such corporations.

4286. (§ 905.) In every case the liability of the corporation to a servant or employe acting under orders of his superior, shall be the same in cases of injury sustained by default or wrongful act of his superior, or to an employe not appointed or controlled by him, as if such servant or employe were a passenger. See also Act approved January 16th, 1905.

Criswell vs. M. C. Ry. Co., 18 Mont. 167.

4287. (§ 906.) If the amount of the capital stock shall be found insufficient to enable any such corporation to construct its road, it shall be competent for the directors upon a vote of the stockholders, to increase the stock to such sum as shall cover the expenses of the construction of its road.

4288. (§ 907.) Any such corporations may accept the provisions of any act of congress providing for the creation of bodies corporate for the purposes aforesaid, but such acceptance shall not impair or affect the legal or equitable rights of any creditor as they exist at the time of such acceptance.

4289. If any railroad corporation within this State shall ask, charge, or demand any exorbitant rate of compensation for the transportation of any freight, baggage, express matter or passenger, or make any unjust discrimination in its rates, or shall neglect to provide comfortable and convenient cars or coaches for the transportation of its passengers and their baggage, or safe cars for the transportation of express matter and freight, or shall use any highly inflammable oils for lighting any car on its passenger trains or shall wilfully neglect to keep a table of its passenger tariff and rates of freight conspicuously posted in each depot within this State, or fail to light its track in any City in this State or shall transport within this State on any of its passenger cars, any oil, vitriol, gun powder, lucifer matches, nitro glycerine, glynon oil, nityroleum or blasting oil, or nitrate oil, or powder mixed with

any such oil, or fibre saturated therewith, or duloin or giant powder, or blasting powder, or any other goods of a dangerous nature, or in any incorporated city or town in this state run any train at a rate of speed forbidden by the laws of this State or the ordinances of such city or town, or run any train over any unsafe bridge, trestle work, or aqueduct in this State; or fail to have upon any locomotive in use by it in this State a bell and steam whistle in fit condition for use thereon; or shall permit any locomotive to approach any highway, road or railroad crossing, without causing the whistle to be sounded, at a point between fifty and eighty rods from the crossing, and the bell to be rung from said point until the crossing is reached; or shall wilfully fail to make any report herein required, or which may be hereafter required by any law of this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for the first offense in the sum of one thousand dollars, and for the second violation of the same provision, two thousand dollars, and for every other and further violation of any provision of which it has been twice before found guilty, a sum not less than five nor more than ten thousand dollars.

(Act approved March 5, 1903.)

4290. (§ 909.) It is hereby made the duty of the president or other officer in charge of each and every railroad corporation having a line of railroad in this state, to make an annual report to the state auditor for the year ending on the 30th day of November preceding, which report shall be verified by the oath or affirmation of such president or other officer in charge, and be filed in the office of the state auditor by the first of December in each year, and shall state:

1. The amount of capital stock paid in.
2. The amount of capital stock unpaid.
3. The amount of funded debt.
4. The amount of floating debt.
5. Cost of construction.
6. Cost of right of way.
7. Cost of equipment.
8. All other items embraced in cost of road and equipment, not embraced in three preceding items.
9. Total cost of road and equipments to date.
10. Length of single main track, laid with iron or steel.
11. Length of double main track, and width of gauge.
12. Length of branches, stating whether they have single or double tracks.
13. Aggregate length of sidings, and other tracks not above enumerated; total length of iron and steel, each separately stated, embraced in preceding items.
14. The maximum grade, with its length in main road, and also in branches.

15. The shortest radius of curvature, with length of curve in main road and also in branches.
16. Total degrees of curvature in main road, and also in branches.
17. Total length of straight line in main road, and also in branches.
18. Number of wooden bridges, and aggregate length in feet.
19. Number of iron bridges, and aggregate length in feet.
20. Number of stone bridges, and aggregate length in feet.
21. The number of wooden trestles and aggregate length in feet.
22. The greatest age of wooden bridges.
23. The average age of wooden bridges.
24. The greatest age of wooden trestles.
25. The number and kind of new bridges built during the year, and length in feet.
26. The length of road unfenced on either side, and the reason therefor.
27. Number of engines.
28. Number of passenger cars.
29. Number of express and baggage cars.
30. Number of freight cars.
31. Number of other cars.
32. The highest rate of speed allowed by express passenger trains.
33. The highest rate of speed allowed by mail and accommodation trains.
34. The highest rate of speed allowed by freight trains.
35. The rate of fare for passengers charged for the respective classes per mile.
36. The highest rate per ton per mile charged for the transportation of the various classes of freight, through and local.
37. The length of new iron or steel laid during the year.
38. The length of re-rolled iron laid during the year.
39. The number of miles run by passenger trains.
40. The number of miles run by freight trains.
41. The number of passenger (all classes) carried in cars.
42. The number of tons of through freight carried.
43. The number of tons of local freight carried.
44. The number of tons of ore, cattle and grain transported.
45. The value of coin, bullion and dust carried.
46. Earnings from transportation of passengers.
47. Earnings from transportation of freight.
48. Earnings from mail and express.
49. Earnings from all sources. Total earnings for the year.
50. Expenditures for construction and equipments.
51. Expenditures for maintenance of way and structure.
52. Expenditures for maintaining and operating motive power and cars.

53. Expenditures for transportations expenses, including those of stations and trains.

54. Expenditures for dividends, rate per cent, and amount.

55. All other expenditures, either for managemnt of road, maintenance of way, motive powers and cars, and for other purposes. Total expenditure during the year.

56. The number and kind of farm animals killed and the amount of damages paid therefor.

57. A statement of all casualties resulting in injuries to persons and the extent and causes thereof, and such other and further information as may be required by the state auditor; but if an ycorporation shall be unable to furnish the required information, the reason thereof shall be given.

The state auditor shall prepare and furnish to each railroad corporation or to each organization having one or more railroads in charge, blank forms for making the reports required by thi schapter, which blanks may be so prepared by the auditor as to obtain the information required by this Section more in detail or omit such of a historical or permanent character as may have been given in previous reports.

Daly Bank, Etc. Co. vs. Great, Etc. Ry. Co., 32 Montana 298.

4291. (§ 910.) Any railroad corporation chartered by or organized under the laws of the United States, or of any state or territory whose line of railroad shall reach or intersect the boundary line of this state at any point, may extend its railroad into this state from any such point or points to any place or places within the State, and may build branches from any point on such extension or continuation of any such extension or branch. Before making such extension into the state, or building any such branch road, or any such continuation, such corporation shall, by resolution of its board of directors, to be entered in the records of its proceedings, designate the general route of such proposed extension, branch or continuation, in the manner provided in sections 3818 (§ 403) and 3819 (§ 404) of this code, and file a copy of such record, certified by the president and secretary, in the office of the secretary of the state, who shall record the same when presented for record. Thereupon such corporation shall have all the rights, powers, privileges, immunities, and franchises to make, maintain and operate such extension, and build, maintain and operate such branch or continuation which it would have had if it had been incorporated for such purpose,s under the general laws of the state or territory of Montana.

4292. (§ 911.) Any two or more railroad companies whose respective lines, not being parallel or competing lines, are wholly or partly within this state, whether chartered by or organized under the laws of the state or territory of Montana, or of the United States, or of any other state or territory, when their respective lines of road or any branch thereof so connect within this state that they may operate together as one property, may consolidate their capital stock, franchises and prperty, and thereby become one corporation by any name adopted by them, which may be that of one of

them, upon such terms and conditions as may be agreed upon by them, in the manner following: Articles of agreement shall be entered into by and between such corporations under their respective corporate seals and the signatures of their respective presidents and secretaries containing the terms and conditions of such consolidation and the mode of carrying the same into effect, including the name of the corporation resulting from such consolidation, the amount of its capital stock, the number and amount of shares thereof, the manner of retiring the shares of the capital stock of the corporations so consolidated, or of converting the same into or exchanging it for the capital stock of such resultant corporation, the number which shall constitute the board of directors of such corporation and what officers it shall have, and the persons who shall constitute the first board of directors and officers thereof their term of office, and the manner in which their successors shall be elected, which shall be according to the provisions of Section 3839 (§ 439) of this code, and such other matters as may be deemed necessary to perfect such consolidation and as may be agreed upon. Such articles of agreement shall before the same shall be effectual, be assented to, approved or ratified by the stockholders of the respective corporations so consolidated at a regular meeting of such stockholders, or a special meeting thereof, duly called and held, by resolution adopted by a vote in favor thereof, in person or by proxy, of the holders of at last three-fifths in amount of the outstanding capital stock of such corporations respectively. A duplicate of such articles of agreement, together with a copy of the resolutions so adopted by the stockholders of such corporations assenting to, approving or ratifying the same, certified under the corporate seal and the signature of the secretary, and verified by a sworn statement of the president and secretary of the corporation, stating that such resolution was duly adopted by the vote in favor thereof of the holders of three-fifths in amount of the outstanding capital stock of the corporation, at a meeting of the stockholders thereof, duly held, shall be recorded in the office of the secretary of state, and it shall be the duty of the secretary to record the same upon presentation for that purpose; and upon the filing thereof for record, as aforesaid, the corporation formed by such consolidation shall be a corporation by the corporate name mentioned in such articles of agreement, and as such shall be perpetual, and shall succeed to and have, own, possess, exercise and enjoy, all the powers, rights, franchises, privileges, immunities and property of every name and nature possessed by the corporation so consolidated, or to which they were entitled at the time of such consolidation, and shall be entitled to have, own, hold, exercise, possess, and enjoy, all the powers, rights, franchises, privileges and immunities which may at any time appertain to railroad corporations under the general laws of this state.

State ex rel. vs. Ry. Co.'s., 21 Mont. 221.

4293. (§ 912.) Any railroad corporation whose line is wholly or partly within this State, or reaches the boundary line thereof, whether chartered by or organized under the laws of the state or territory of Montana or the United States, or of any other state or territory, may lease or pur-

chase the whole or any part of the railroad or line of railroad of any railroad corporation, constructed or unconstructed, together with all the rights, powers, immunities, privileges, franchises and all other property or appurtenances thereto; *Provided*, The railroad or line of railroad so leased or purchased is continuous of or connected with its own line and not a parallel or competing line. Before any such lease or purchase shall be effectual it shall be assented to or approved or ratified by the stockholders of each corporation by a vote in favor thereof, at a general or special meeting of such stockholders by the holders of three-fifths in amount of all the outstanding capital stock of the company; and any such railroad corporation, whether chartered by or organized under the laws of the state or territory of Montana or of the United States, or of any other State or Territory, may take, purchase, hold, sell and dispose of, or guarantee the payment of the capital stock, bonds and securities of any other railroad corporation whose line of railroad within this state is continuous of or connects with its own line. Leases heretofore made in conformity to the provisions of this chapter shall, when ratified as herein provided, be held valid in like manner as if made by authority thereof.

State ex rel. vs. Ry. Co.'s., 21 Mont. 221.

4294. (§ 913.) Any railroad corporation whose line is wholly or partly within this state, whether chartered by or organized under the laws of the state or territory of Montana or of the United States, or of any other state or territory, shall have authority and power to make, issue, negotiate and deliver its bonds, securities or obligations to such amount, not exceeding its authorized capital stock, bearing such rate of interest and payable at such time or times as its board of directors shall determine, and may negotiate, sell, pledge, or otherwise dispose of the same at such price, and on such terms, and in such manner as its board of directors may authorize or determine; and to secure the payment of all or any of such bonds, securities or obligations and the interest thereon, may make, execute and deliver such mortgages or deeds of trust upon all or any part of its property, income and franchises, as the board of directors may determine or direct; and if any such mortgages or deed or trust shall so provide, and to the extent it shall provide, it shall be and remain a valid lien upon the property, rights and franchises of the corporation of whatever nature or kind afterwards acquired, as well as upon property, rights and franchises owned or possessed by the corporation at the time of its execution, irrespective of the law relating to chattel mortgages, and any such mortgage or deed or trust shall be taken, held and enforced in the same manner as mortgages of real estate; and the record thereof in the office of the secretary of state shall be notice of its existence and contents to all persons, without any further record thereof, and it shall be the duty of the secretary to record in his office any such mortgage or deed or trust, when presented for that purpose.

Cent. Trust Co. vs. Warren, 121 Fed. 323.

4295. (§ 914.) A judgment against any railroad corporation for any injury to person or property, or for material furnished, or work or labor

done upon any of the property of such corporation, shall be a lien within the county where recovered on the property of such corporation, and such lien shall be prior and superior to the lien of any mortgage or trust deed provided for in this chapter.

FURTHER POWERS.

- Section 4296. Amendment of certificate of incorporation.
- Section 4297. Record of amendment.
- Section 4298. Amended certificate may be amended.
- Section 4299. May lease or buy other railroads.
- Section 4300. Prior consolidations legalized.

4296. (§ 920.) That any corporation heretofore formed, or which may hereafter be formed, under the provisions of chapter twenty-five, of the Fifth Division of the compiled statutes of Montana, relating to railway corporations may by a majority vote of its board of directors and by the assent of its stockholders, representing at least two-thirds of the subscribed capital stock of such corporation, expressed in writing, or at a general or special meeting of stockholders, amend its certificate of incorporation in any one or more of the following particulars, to-wit:

By more particularly describing the general route of its road, or any part thereof, or by correcting or supplying any defect, mistake or insufficiency in the description thereof, contained in said certificate, by describing any change or changes in its route or any additions or extensions to or of its line of road, by adding thereto or extending the same to points or termini other than those mentioned in the original certificate of incorporation.

(Act approved February 24, 1893.)

4297. (§ 921.) That a copy of such amendment or of the original certificate of incorporation, as amended, and a copy of the resolution of the board of directors adopting the same, certified by the president and secretary of the company, under the corporate seal, to be correct and to have been adopted by a majority vote of the directors of the company and to have been assented to in writing or by vote of stockholders representing at least two-thirds of the subscribed capital stock of the company, shall be filed with, and recorded by the secretary of state; and a like copy certified as aforesaid, shall be filed with and recorded by the county clerk and recorder of the county in which the principal place of business of the company is or shall be situated; and from the time of such filing, said original certificate of incorporation shall be deemed to be amended accordingly, and said corporation shall have the same rights and powers and it and the stockholders thereof shall be subject to the same liabilities, as if such amendment had been embraced in the original articles or certificate of incorporation.

(Act approved February 24, 1893.)

4298. (§ 922.) That said certificate and amended certificate, may be amended in like manner whenever deemed expedient or necessary by the board of directors and stockholders of the company.

(Act approved February 24, 1893.)

4299. (§ 923.) Any railroad company now or hereafter incorporated pursuant to the laws of this state, or of the United States or of any state or territory of the United States may at any time, by means of subscription to the capital stock of any other railroad company, or by the purchase of its stock or bonds, or by guaranteeing its bonds, or otherwise, aid such company in the construction of its railroad within or without this state; and any company owning or operating a railroad within this State may extend the same into any other state or territory, and may build, buy, lease, or may consolidate with any railroad or railroads in such other state or territory, or with any other railroad in this state, and may operate the same, and may own such real estate and other property in such other state or territory as may be necessary or convenient in the operation of such road; or any railroad company may sell or lease the whole or any part of its railroad or branches within this State, constructed or to be constructed, together with all property and rights, privileges and franchises pertaining thereto, to any railroad company organized or existing pursuant to the laws of the United States or of this state or of any other state or territory of the United States; or any railroad company incorporated or existing under the laws of the United States or of any state or territory of the United States, may extend, construct, maintain and operate its railroad, or any portion or branch thereof, into and through this state, and may build branches from any point, or such extension to any place or places within this state; and the railroad company of any other state or territory of the United States which shall so purchase or lease a railroad, or any part thereof in this state, shall extend or construct its road or any portion or branch thereof in this state, shall possess and may exercise and enjoy, as to the control, management and operation of the said road, and as to the location, construction and operation of any extension or branch thereof, all the rights, powers, privileges and franchises possessed by railroad corporations organized under the laws of this state, including the exercise of the power of eminent domain. Such purchase, sale, consolidation with or lease may be made or such aid furnished upon such terms or conditions as may be agreed upon by the directors or trustees of the respective companies, but the same shall be approved or ratified by persons holding or representing a majority in amount of the capital stock of each of such companies, respectively, at any annual stockholders meeting or at a special meeting of the stockholders called for that purpose, or by approval in writing of a majority in interest of the stockholders of each company respectively; *Provided*, That nothing in the foregoing provisions shall be held or construed as curtailing the right of this state or the counties through which any such road or roads may be located, to levy and collect taxes upon the same and upon the rolling stock thereof, in conformity with the provisions of the laws of this state upon that subject; and all roads or branches thereof in this state, so consolidated with, purchased or leased, or aided or extended into the state, shall be subject to taxation and to regulation and control by the laws of this state, in all respects the same as if constructed by corporations organized under the laws

of this state; and any corporation of another state or territory, or of the United States, being the purchaser or lessee of a railroad within this state, or extending its railroad or any portion thereof into or through this state, shall establish and maintain an office or offices in this state at some point or points on its line, at which legal process and notice may be served, as upon railroad corporations of this state; *Provided further*, that before any railroad corporation organized under the laws of any other state or territory or of the United States shall be permitted to avail itself of the benefits of this act, such corporation shall file with the secretary of state a true copy of its charter or articles of incorporation.

(Act approved March 4, 1893.)

State ex rel. Atty. Genl. vs. Ry. Co.'s, 21 Mont. 221.

4300. (§ 924.) Any consolidation by sale or otherwise, or any lease or agreement to sell, consolidate with or lease the whole or any part of any railroad and its branch lines organized under the laws of this state, with the franchise appertaining thereto, to any railroad company organized or existing under the laws of the United States or of this state or any other state or territory, or any consolidation between such companies organized under the laws of the United States or of this state or of any other state or territory, and a corporation organized under the laws of this state, heretofore executed by the proper officer of the companies, parties to such sale, lease or consolidation or contract, is hereby legalized and made in all respects valid and binding from the date of its execution.

(Act approved March 4, 1893.)

RAILROAD EQUIPMENTS AND ROLLING STOCK.

- Section 4301. Conditional sale valid.
- Section 4302. Contract to be recorded.
- Section 4303. Chattel mortgage.
- Section 4304. Satisfaction.
- Section 4305. Conditional sale of equipment.
- Section 4306. Contract to be recorded.
- Section 4307. Limitations.
- Section 4308. Fences and cattle guards.

4301. (§ 930.) In all cases where railroad equipment and rolling stock may have been, or shall be sold, to any person, firm, or corporation, to be paid for, in whole or in part, in installments, or shall be leased, rented, hired, or delivered, on condition that the same may be used by the person, firm or corporation, purchasing, leasing, renting, hiring, or receiving the same, and that the title to the same shall remain in the vendor, lessor, renter, hirer, or deliverer of the same until the agreed upon price, or rent for such property shall have been fully paid, such condition in regard to the title so remaining in the vendor, lessor, renter, hirer, or deliverer, until such payments are fully made, shall be valid for all intents and purposes as to subsequent pur-

chasers in good faith, and creditors; *Provided*, The term during which the installments or rent are to be paid, shall not exceed ten years, and such contract shall be in writing, duly executed, acknowledged, and recorded, as hereinafter provided.

4302. (§ 931.) Such contract shall be recorded in the office of the secretary of state, and in the office of the county clerk of the county in which is located the principal office or place of business of such vendee or lessee, and on each locomotive or car that may have been so sold or leased, the name of the vendor, or lessor, or assignee of the vendor or lessor, shall be marked, followed, by the word "Owner," or "Lessor," as the case may be.

4303. (§ 932.) Any mortgage of personal property which constitutes the equipment, or part of the equipment, of any railroad company, may be recorded as provided in Section 4302 (§ 931), of this chapter, and if the same is bona fide the lien thereby created shall be good for all intents and purposes whatever, for such length of time as therein provided, not exceeding said period of ten years.

4304. (§ 933.) Upon payment in full of the purchase price and the performance of the terms and conditions stipulated in any such contract, a declaration to that effect shall be made by the vendor, or his assignee, which declaration may be made on the margin of the record of the contract, attested by the secretary of state, or county clerk, as the case may be, or the satisfaction may be made by a separate instrument, which shall be acknowledged and recorded in the offices in which the original contract was recorded, and thereupon the secretary of state and county clerk shall write in the margin of the record the word "satisfied" together with the date of satisfaction, and the page, and book of record of the declaration of the satisfaction.

4305. (§ 934.) In any contract for the sale of railroad or street railway equipment or rolling stock, it shall be lawful to agree that the title to the property sold or contracted to be sold, although possession thereof may be delivered immediately, or at any time or times subsequently, shall not vest in the purchaser until the purchase price shall be fully paid, or that the seller shall have and retain a lien thereon for the unpaid purchase-money, and in any contract for the leasing or hiring of such property, it shall be lawful to stipulate for a conditional sale thereof at the termination of such contract, and that the rentals or amounts to be received under such contract, may, as paid, be applied and treated as purchase-money and that the title to the property shall not vest in the lessee or bailee until the purchase-price shall have been paid in full, and until the terms of the contract shall have been fully performed, notwithstanding delivery to and possession by such lessee or bailee; *Provided*, That no such contract shall be valid as against any subsequent judgment creditor, or any subsequent bona fide purchaser for value and without notice unless:

1. The same shall be evidenced by an instrument executed by the parties and duly acknowledged by the vendee or lessee, or bailee as the case

may be, or duly proved, before some person authorized by law to take acknowledgment of deeds, and in the same manner as deeds are acknowledged or proved.

2. Such instrument shall be filed for record in the office of the secretary of state of this state, and also in the office of the county clerk and recorder in each county of this state in which the line of such railroad or street railway company extends.

3. Each locomotive engine, or car so sold, leased or hired, or contracted to be sold, leased or hired as aforesaid, shall have the name of the vendor, lessor, or bailor plainly marked on each side thereof followed by the word "Owner" or "Lessor" or "Bailor" as the case may be.

(Act approved March 2, 1893.)

4306. (§ 935.) The contracts herein authorized shall be recorded by the secretary of state in a book of records to be kept for that purpose, and on payment in full of the purchase-money, and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect, may be made by the vendor, lessor, or bailor, or his or its assignee, which declaration may be made on the margin of the record of the contract, duly attested, or it may be made by a separate instrument to be acknowledged by the vendor, lessor, or bailor, or his or its assignee, and recorded as aforesaid, and for such services the secretary of state shall be entitled to a fee of fifteen dollars, for recording each of said contracts and each of said declarations, and a fee of one dollar for noting such declaration on the margin of the record.

(Act approved March 2, 1893.)

4307. (§ 936.) This act shall not be held to invalidate or affect in any way any contract heretofore made of the kind referred to in the first section hereof, and any such contract heretofore made, may upon compliance with the provisions of this act, be recorded as herein provided. Nor shall it interfere with the provisions of chapter thirty-six of the fifth division of the compiled statutes of this state, so far as to impair any mortgage or rolling-stock or equipment of any railroad therein provided for, or repeal the provisions therein contained, providing for the making of such mortgages.

(Act approved March 2, 1893.)

4308. Railroad corporations must make and maintain a good and legal fence on both sides of their track and property, and maintain, at all crossings, cattle guards over which cattle or other domestic animals cannot pass. In case they do not make and maintain such fence and guards, if their engines or cars shall kill or maim any cattle or other domestic animals upon their line of road, they must pay to the owner of such cattle or other domestic animals in all cases, a fair market price for the same, unless it occurred through the neglect or fault of the owner of the animal so killed or maimed.

Provided, that nothing herein shall be construed so as to prevent any person, or persons, from receiveing damages from any railroad corporation for its negligent killing or injury to any cattle, or other domestic animals, at spurs, sidings, Y's, crossings and turn tables.

(Act approved March 1, 1907.)

GENERAL REGULATIONS OF BUSINESS.

- Section 4323. Checks to be fixed to baggage.
- Section 4324. Duties of corporation.
- Section 4325. Corporation to pay damage for refusal.
- Section 4326. Accommodations.
- Section 4327. Printed regulations to be posted.
- Section 4328. Passengers refusing to pay fare.
- Section 4329. Officers to wear badge.
- Section 4330. Passenger tickets, how issued.
- Section 4331. Ticket agent to be given certificate. License.
- Section 4332. Unlawful sale of tickets.
- Section 4333. Penalty.
- Section 4334. Certificate to be exhibited.
- Section 4335. Redemption of unused tickets.
- Section 4336. Penalty.
- Section 4337. Discrimination in charges forbidden.
- Section 4338. Size and equipment of cabooses.
- Section 4339. Penalty.
- Section 4340. Telephones must be maintained in offices of railroad, telegraph and express companies.
- Section 4341. "Business hours" defined.
- Section 4342. Penalty.
- Section 4343. Duty to furnish shipping facilities.
- Section 4344. Penalty.
- Section 4345. Duty to report delayed passenger trains.
- Section 4346. Posting notice of arrival.
- Section 4347. Penalty agent's neglect.
- Section 4348. Violation by company. Penalty.
- Section 4349. Passenger rate of three cents per mile.
- Section 4350. To what lines applicable.
- Section 4351. Penalties.
- Section 4352. Party injured to share fine.
- Section 4353. Tunnel charges prohibited.
- Section 4354. Same. Penalty.
- Section 4355. Confiscation of coal by railroad prohibited.
- Section 4356. Liability of railroad company.
- Section 4357. Penalties for violation of act.
- Section 4358. Obstruction of highway crossings by railroads.
- Section 4359. Trains to come to full stop at grade crossings.
- Section 4360. Fire guards.
- Section 4361. County commissioners may plow guard and recover expense.
- Section 4362. Duty to construct drains and ditches.

4323. (§ 970.) A check must be affixed to every package or parcel of baggage when taken for transportation by any agent or employe of such railroad corporation, and a duplicate thereof given to the passenger or person delivering the same in his behalf; and if such check is refused on demand, the railroad corporation must pay to such passenger the sum of twenty dollars,

to be recovered in an action for damages; and no fare or toll must be collected or received from such passenger, and if such passenger has paid his fare, the same must be returned by the conductor in charge of the train and on producing the check, if his baggage is not delivered to him by the agent or employee of the railroad corporation, he may recover the value thereof from the corporation.

Rose vs. N. P. Ry. Co., 35 Mont. 7.

4324. (§ 971.) Every such corporation must start and run its cars, for the transportation of persons and property, at such regular times as they shall fix by public notice, and must furnish sufficient accommodations for the transportation of all such passengers and property as, within a reasonable time previous thereto, offer or is offered for transportation at the place of starting, at the junction of other railroads, and at siding or stopping places established for receiving and discharging way passengers and freight; and must take, transport, and discharge such passengers and property at, from and to such places, on the due payment of tolls, freight or fare therefor.

4325. (§ 972.) In case of refusal of such corporation or their agents so to take and transport any passengers or property or to deliver the same, at the regular appointed places, such corporation must pay to the party aggrieved all damages which are sustained thereby, with costs of suit.

4326. (§ 973.) Every railroad corporation must furnish, on the inside of its passenger cars, sufficient room and accommodations for all passengers to whom tickets are sold for any one trip, and for all persons presenting tickets entitling them to travel thereon; and when fare is taken for transporting passengers on any baggage, wood, gravel, or freight car, the same care must be taken and the same responsibility is assumed by the corporation as for passengers on passenger cars.

4327. (§ 974.) Every railroad corporation must have printed and conspicuously posted on the inside of its passenger cars its rules and regulations regarding fare and conduct of its passengers; and in case any passenger is injured on or from the platform of a car, or on any baggage, wood, gravel, or freight car, in violation of such printed regulations, or in violation of positive verbal instructions or injunctions given to such passenger in person by any officer of the train, the corporation is not responsible for damages for such injuries, unless the corporation failed to comply with the provisions of the preceding section.

4328. (§ 975.) If any passenger refuses to pay his fare, or to exhibit or surrender his ticket, when reasonably requested so to do, the conductor and employes of the corporation may put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place, or near any dwelling house, on stopping the train.

4329. (§ 976.) Every conductor, baggage master, engineer, brakeman, or other employe of any railroad corporation, employed on a passenger train or at stations for passengers, must wear upon his hat or cap, or in some conspicuous place on the breast of his coat, a badge indicating his office or

station, and the initial letters of the name of the corporation by which he is employed. No collector or conductor, without such badge, is authorized to demand or to receive from any passenger any fare, toll, or ticket, or exercise any of the powers of his office or station; and no other officer or employe without such badge, has any authority to meddle or interfere with any passenger or property.

4330. (§ 977.) Every railroad corporation must provide, and on being tendered the regular rates of fare, furnish to every person desiring a passage on their passenger cars, a ticket which entitles the purchaser to a ride, and to the accommodations provided on their cars, from the depot or station where the same is purchased, to any other depot or station on the line of their road. Every such ticket entitles the holder thereof to ride on their passenger cars to the station or depot of destination, or any intermediate station, and from any intermediate station to the depot of destination designated in the ticket, at any time within six months thereafter. Any corporation failing so to provide and furnish tickets, or refusing the passage which the same calls for when sold, must pay to the person so refused the sum of two hundred dollars.

4331. (§ 978.) It shall be the duty of the owners of any railroad or steamboat for the transportation of passengers, to provide each agent who may be authorized to sell within the state, tickets or other evidence entitling the holder thereof to travel upon his or their railroad or steamboat, with a certificate setting forth the authority of such agent to make such sales, which certificate shall be duly attested by the corporate seal of any corporate owner of such railroad or steamboat, and shall, for the information of travelers, be kept posted in a conspicuous place in the office of such agent. After the issue of such certificate as aforesaid, such agent, or superintendent, or general officer of such owners, shall, within ten days thereafter, exhibit the same to the secretary of state of the state of Montana, and at the same time shall pay to said secretary of state a license fee of one dollar, whereupon said secretary of state shall issue to such agent so presenting said certificate, a license under the seal of the state of Montana, authorizing such agent to engage in the business of selling transportation tickets of said common carrier; and said license so issued to such agent by said secretary of state shall also be kept posted in a conspicuous place in the office of such agent, for the information of travelers and of the public.

(Act approved March 13, 1893.)

State vs. Bennheim, 19 Mont. 512.

4332. (§ 979.) It shall not be lawful for any person not in the possession of such certificate and license so posted as aforesaid, to sell, barter, or transfer within this state for any consideration the whole or any part of any ticket or other evidence of the holder's title or right to travel on said railroad or steamboat, whether such railroad or steamboat be situated, operated or owned within or without the limits of this state.

(Act approved March 13, 1893.)

4333. (§ 980.) Whoever shall violate the provisions of the second section of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding five hundred dollars and by imprisonment not exceeding one year, or either or both, in the discretion of the court in which such offender shall be convicted.

(Act approved March 13, 1893.)

4334. (§ 981.) It shall be the duty of every agent residing or acting within this state who shall be authorized to sell therein tickets or other evidence of the holder's title to travel upon any railroad or steamboat, to exhibit to any person desiring to purchase a ticket, or to any officer of the law who may request him so to do, such certificate of his authority thus to sell, and such license.

(Act approved March 13, 1893.)

4335. (§ 982.) It shall be the duty of the owners of every railroad or steamboat situate or operated, in whole or in part, within this state, to provide for the redemption, under reasonable precautions, of the whole, or of any coupon or coupons of any ticket theretofore sold by any agent authorized as aforesaid, which the purchaser for any reason other than the expiration of the time limit in said ticket for the use thereof, has not used, at cost, in case of the ticket not used, and in case of a coupon of a ticket partially used, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the used portion of said ticket was actually used; *Provided*, that such ticket, or coupon, or coupons, shall be presented for such redemption to any agent authorized as aforesaid before the time therein limited for the use thereof shall have expired; and the deposit of such ticket, or part of ticket in the postoffice, addressed to any such agent, with postage thereon duly prepaid, before the expiration of the time limited on such ticket or part of ticket, shall be deemed such presentation; and the sale by any person of such ticket, or of the unused portion of any such ticket or coupon, or coupons, otherwise than by the presentation of the same for redemption, as hereinbefore provided, shall be deemed to be a violation of the provisions of this act, and any person guilty of such violation shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or either or both, in the discretion of the court in which such offender shall be convicted; *Provided however*, that when any ticket selling agent so licensed as aforesaid or any common carrier subject to the provisions of this act shall sell, barter or transfer to any person any mileage book or commutation tickets or excursion ticket at any reduced rate authorized by law, and when such mileage book, commutation ticket or excursion ticket shall by the terms thereof be limited in respect of the time in which the same shall be used, then, and in that case, such mileage book, commutation ticket or excursion ticket shall not be redeemed by said common carrier subject to the provisions of this act.

(Act approved March 13, 1893.)

4336. (§ 983.) Any railroad company or steamboat company which shall by any of its authorized ticket selling agents within this state, unreasonably refuse to redeem any coupon of a ticket, or any ticket as required by section 4332 (§ 982) of this act, shall pay to the state of Montana, a fine not exceeding five hundred dollar sfor each offense.

(Act approved March 13, 1893.)

4337. (§ 984.) It is hereby declared to be unlawful for any ticket selling agent so authorized and licensed as aforesaid, or for any common carrier subject to the previsions of this act, to charge, demand, collect or receive from, to sell, barter, transfer or assign to, any person or persons, firm, company, corporation or association, any ticket or tickets of any class whatever entitling the purchaser or holder thereof to transportation by the common carrier issuing such ticket or tickets, for a greater or less sum or price than is charged, demanded, collected or received by such ticket selling agent or common carrier subject to the provisions of this act, for a similar ticket or tickets of the same class. Any person, ticket selling agent or common carrier subject to the provisions of this act who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum not exceeding one thousand dollars for each offense.

(Act approved March 13, 1893.)

4338. It shall be unlawful for any person, corporation or company operating any railroad or railway in this state to require or permit the use of any caboose, cars, unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door in each end thereof, and with suitable water closets, cupolas, platforms, guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars, and said caboose cars shall be equipped with at least two, four wheel trucks.

(Act approved February 28, 1907, § 1.)

4339. Any person, corporation or company operating any railroad or railway in this state, violating any of the provisions of Sec. 4338 (1), of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Five Hundred Dollars (\$500), nor more than One Thousand Dollars (\$1,000), for each offense.

(Act approved February 28, 1907, § 2.)

4340. It is hereby made the duty of every railroad, telegraph and express company, doing business in the State of Montana, to install or allow to be installed in its ticket office, public office and freight office, in all cities and towns in this state, where they are, at the time, one or more public telephone exchanges, a telephone of each public telephone exchange in said city or town and to maintain in each of said offices, direct telephone connection with each of such exchanges; but nothing herein contained shall be construed to require said railroads, telegraph or express company to build a telephone line, it being intended to require such company or companies to install or allow to be installed a telephone in each of its offices where it can be obtained by them as they may

be obtained for other business offices in the same vicinity; each railroad, telegraph and express company shall cause to be promptly answered, all calls made over such telephone connection during business hours, *Provided, however* that such Railroad Telegraph and Express Companies shall not, in the absence of an agreement to the effect, be required to bear the expense incident to the installation of said telephones, or to any charges for the use thereof. Over such telephone connection, such railroad, telegraph or express company shall cause prompt and correct replies to be made to all reasonable and proper inquiries over such connections during business hours, concerning the passenger, freight or telegraph service of such railroad, telegraph or express company.

(Act approved March 9, 1907, § 1.)

4341. The term "business hours" as used in this Act shall be construed to mean such times as the office or depot of such railroad, telegraph or express company may be open, with an officer or agent of such railroad, telegraph or express company in charge for the transacting of business.

(Act approved March 9, 1907, § 2.)

4342. Any railroad, telegraph or express company failing or refusing to comply with the provisions of this Act after its passage and approval by the Governor, shall be deemed guilty of a misdemeanor.

(Act approved March 9, 1907, § 3.)

4343. It is hereby made the duty of every person, corporation and association operating a railroad in the State of Montana to maintain facilities for shipment and delivery of freight, and to ship and deliver freight and accommodate passengers at any point upon the line of such railway where there is a platted townsite of record having not less than one hundred inhabitants.

(Act approved February 21, 1905, § 1.)

4344. Any such person, corporation or association which shall within sixty days after written request of not less than fifty inhabitants of such platted townsite fail to comply with the provisions of this Act, shall upon conviction be fined not less than ten dollars nor more than one hundred dollars for each day thereafter, so long as the provisions of this Act are not complied with.

(Act approved February 21, 1905, § 2.)

4345. All Railway Corporations operating in the State of Montana, shall, upon the arrival of a delayed passenger train, at the first division terminal, within the confines of this State, notify by telegraph every station on the line of road within the State, how much the said passenger train is delayed. And upon the arrival of such delayed passenger train, at each succeeding division terminal, it shall be the duty of the dispatcher, or telegraph operator at each of such terminals to notify every telegraph station on the line of road within the State, not yet reached by said train, how late said train is.

(Act approved March 5, 1903, § 1.)

4346. Every operator, agent or person in charge of the telegraph station, shall post a notice in a conspicuous place in the station or waiting room, and when such telegraph station is connected by telephone with the Central Exchange in any town or city, he shall promptly notify such Central Exchange, how late the delayed passenger train is running.

(Act approved March 5, 1903, § 2.)

4347. Every operator, agent, or person in charge of a telegraph station who shall fail, neglect or refuse to post said notice correctly, advise such central telephone exchange shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding twenty-five dollars.

(Act approved March 5, 1903, § 3.)

4348. Any Railway Corporation that shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one hundred dollars, for each and every offense.

(Act approved March 5, 1903, § 4.)

4349. It shall be unlawful for any railroad or railway company operating wholly or in part in the State of Montana, or any of the officers or employees thereof, to charge or receive, from any person who is to be conveyed or transported on any of the lines of any such railroad or railway companies from any point within this State, to another point within this State, a sum exceeding three (3) cents per mile for the distance to be travelled by such person, nor shall any excess fare greater amount than ten cents be charged or collected from any passenger with promise of rebate or refund of such excess, and that for children between the ages of five (5) and twelve (12) years, not more than one-half of the rate named in Section 1 shall be charged, and that children under five (5) years of age, when accompanied by parent or guardian, shall be transported free of charge; *provided*, that no railroad or railway company, or the officers or employees thereof, shall be obliged to accept a single fare for a sum less than five (5) cents; *provided* that any such railroad or railway company shall not be precluded from selling mileage books at a rate less than three cents per mile. All persons shall have equal right to purchase such mileage books. That all charges for fares shall end in the figures 0 or 5 and such figures shall be the one nearest to the fare computed under the provisions of this Act.

(Act approved March 4, 1905, § 1.)

4350. The provisions of Section 1 of this Act shall not apply to independent lines of railroads or railways operating wholly within the State of Montana upon which a rate in excess of three (3) cents per mile is now charged, until such time as the State Legislature, or other State Officers, having power under the laws of Montana to name passenger rates, shall, in their judgment, deem the rate so charged to be excessive.

(Act approved March 4, 1905, § 2.)

4351. Any railroad or railway company, or any officer or employee thereof, who shall violate any of the provisions of this Act shall, upon

conviction thereof, be fined in any sum not less than \$50.00 nor more than \$500.00.

(Act approved March 4, 1905, §3.)

4352. In any and all cases where any conviction is secured for a violation of any provision of this Act, the party injured shall be entitled to receive one-half of all fines imposed and collected, and the remaining one-half of such fines imposed and collected shall be paid into the school fund of the city in which the action is prosecuted.

(Act approved March 4, 1905, § 4.)

4353. It shall be unlawful for any person, association or corporation operating, leasing or owning a railroad in the State of Montana, to accept, demand or receive any tunnel charges, or to accept, demand or receive any extra mileage, or any extra compensation for or on account of any Tunnel through which said line of Railroad may run. *Provided* that none of the provisions of this Act shall apply to rates or charges for travel to or from points outside of the State of Montana.

(Act approved February 26, 1901.)

4354. Any person, association or corporation, agent or manager, who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$200 nor more than \$1,000 for each offense.

(Act approved February 26, 1901.)

4355. It shall hereafter be unlawful for any person, railway company or common carrier to confiscate or take for his or its own use or for the use of another any coal or other fuel in transit, except when such coal, or other fuel, is necessary for the preservation of life or property or is required for the moving of trains of such common carrier, *provided* that in a suit under this Act to recover the penalty and damages the burden of proof shall be on the person, railroad company or common carrier confiscating the coal or other fuel to show that such coal or other fuel was necessary for the preservation of life or property or was required for the moving of trains of such common carrier.

(Act approved March 6, 1907, §1.)

4356. Any person, railroad company or common carrier who shall confiscate or take any coal or fuel either for his or its own use or for the use of another shall be liable to the consignee or owner of such coal, or fuel, in double the value of such coal, or fuel, at the point of shipment, and such other damages as may be caused by the confiscation of such coal. Such liability to be exclusive of and in addition to any and all charges for the transportation of such coal or fuel, which charges for the transportation shall be paid by the party confiscating such coal, or fuel. But in every case wherein coal or other fuel is taken or used by any such person, railroad company or common carrier, it shall be the duty of such person, railroad company or common carrier to notify the consignee by telegram or letter, immediately,

of the taking of such coal and to pay and compensate him therefor within thirty days from the time of the taking.

(Act approved March 6, 1907, § 2.)

4357. Any person, corporation or common carrier who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars, nor more than two hundred dollars.

(Act approved March 6, 1907, § 3.)

4358. That it shall hereafter be unlawful for any corporation, association or company, to wilfully obstruct, blockade, interfere with or prevent the free use of any public highway within the State of Montana, where such highway crosses any railroad track outside of incorporated cities and towns, by stopping any railroad train, car, engine or locomotive for more than fifteen minutes at any one time, or by placing, depositing or leaving any article or thing, whatsoever, on any railroad track at the point where any public highway crosses such track outside of incorporated cities, and towns, and any corporation, association or company, so obstructing, blockading or interfering with the free use of any such highway, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars. This Act shall not be construed as repealing any existing laws prohibiting encroachments upon, or obstruction of, public highways.

(Act approved February 26, 1907.)

4359. That no Railway Company operating trains within this State shall permit any locomotives or cars to cross the tracks of any other railroad, at grade, without coming to a full stop immediately before crossing; *provided, however*, that if any Railway Company or Companies, using one or more tracks crossing each other or connecting, in any way, at a common grade, shall, by an interlocking plant, signal station, or any other works or fixtures, to be erected by them, or either of them, render it safe to pass over said crossings without stopping, and such plant, works or fixtures shall have been first approved by the County Commissioners of the County wherein such works are to be constructed and used, and the plans of such works and fixtures for such crossing, designating the place of such crossing, shall have been filed with such Commissioners, then and in that case the foregoing provisions of this section, requiring the stopping of trains at such crossing, shall not apply to said companies, or either of them; and, if said County Commissioners shall disapprove any such plans so filed with them, or fail to approve the same within twenty (20) days after the filing thereof with them, such railway companies, or either of them, may apply, in the county where such crossing is situated, to the District Court in and for said County, or to judge thereof in vacation, by petition in writing setting forth the object of such application, and said court or judge shall, thereupon, appoint a time and place for the hearing of said petition, and a copy of the order appointing such time and place, together with a copy of said petition, shall be served upon

said County Commissioners at least ten (10) days before the day appointed for said hearing, and said District Court, or a judge thereof in vacation, shall have full power, upon the hearing of said petition, to grant the prayer thereof, or to make such other order thereon as may be proper in the premises, and the foregoing provisions of this section, requiring the stoppage of trains at crossings, shall not apply to said railway companies, or either of them, if said District Court shall, by its order upon said petition, grant the prayer thereof or otherwise and to any extent approve the construction and use of the interlocking plant or other structures therein referred to.

(Act approved February 17, 1903.)

4360. That every railroad corporation operating its lines of road or any part thereof within this State, shall, between the fifteenth day of April and the first day of July in the year 1903 and each succeeding year thereafter, plough in a good and workmanlike manner, covering the sod well, upon each side of its line of road wherever it passes through a range or grazing country, a continuous strip of not less than six feet in width on each side of its track, as a fire guard, which said strip shall as near as practicable run parallel with the line or lines of said railroad, and in addition to such ploughing, said railroad company shall cause to be burned between the fifteenth day of July and the fifteenth day of September of each year, all the grass and vegetation between the said ploughed strips and a line of fifty (50) feet inside said ploughed strip; *Provided* that such fire guards so ploughed and burned need not be constructed within the limits of any town, village or city nor in private fields under cultivation nor along the line of such railroad whenever the same runs through the mountains or elsewhere where such ploughing or burning would be impracticable; and provided further, that said fire guard or portion thereof, need not be ploughed or burned on or through any lands which may be released from the operation of this act by the Board of County Commissioners of the county wherein such land is situated by their written certificate of release filed in the office of the County Clerk of the said county; provided further, that said ploughing be not less than three hundred (300) feet from the center of the railroad track on each side of the same. Except in cases of cultivated fields and then such ploughing and burning shall be done closer to such railroad but not less than seventy feet from the center of the track.

(Act approved March 5, 1903, § 1.)

4361. That if any railroad company fails to comply with any of the provisions of Section 1 of this Act the Board of County Commissioners of the County wherein such violation occurs shall cause the neglected ploughing or burning or both therein provided for, to be done, and may in a suit to be brought in their name, as said board, in the District Court having jurisdiction, recover double the amount of the cost of such ploughing or burning or both with reasonable attorney fees to be fixed by the Court, and such railroad company shall be liable further for all damages caused by its failure to comply with this act.

(Act approved March 5, 1903, § 2.)

4362. It shall be the duty of every corporation, company, or person owning or operating any railroad, or branch thereof, in this State, and of any corporation, company, or person constructing any railroad in this State, within three months after the completion of the same through any county in this State, to cause to be constructed and maintained suitable ditches and drains along each side of the roadbed of such road or to construct culverts or openings through such roadbed to connect with ditches or drains, or water course, so as to afford sufficient outlet to drain and carry off the water along such railroad whenever the draining of such water has been obstructed or rendered necessary by the construction of such railroad; provided that none of the drains or ditches herein referred to shall be required to be constructed by any of the persons or corporations herein named or described, except when required to remove and drain off water accumulated upon property adjacent to or upon the right of way whose natural channel or outlet has been destroyed or impaired by the embankment of such railway so constructed as aforesaid. And in case such corporation, company or person shall fail or neglect to construct and maintain such ditches or drains as are herein required, within the time limited in this Section, the Board of County Commissioners of any County, through which such railroad has been, or may be constructed and located and in which the draining herein required has been neglected, are hereby authorized and required, upon the petition of twenty land owners of such County along the line of and contiguous to such railroad, to cause such ditches or drains as are herein required to be constructed and maintained, and said Board of County Commissioners may maintain an action against such corporation, company or person so failing to comply with the provisions of this Section, in any Court of competent jurisdiction, in the name of such County, and shall be entitled to recover all costs and expenses incurred in the construction and maintenance of said drains or ditches.

(Act approved March 6, 1903.)

CODE OF CIVIL PROCEDURE

MANNER OF COMMENCING CIVIL ACTIONS.

Section 6504. Place of trial of civil actions.

Section 6519. Summons, how served.

6504. (§ 613.) In all other cases, the action shall be tried in the county in which the defendants, or any of them, may reside at the commencement of the action, or where the plaintiff resides, and the defendants, or any of them, may be found; or if none of the defendants reside in the state, or, if residing in the state, the county in which they so reside be unknown to the plaintiff, the same may be tried in any county which the plaintiff may designate in his complaint; and if any defendant or defendants may be about to depart from the state, such action may be tried in any county where either of the parties may reside, or service be had. Actions upon contracts may be tried in the county in which the contract was to be performed; and actions for torts in the county where the tort was committed; subject, however, to the power of the court to change the place of trial, as provided in this Code.

Bond v. Hand, 31 Mont. 314.

McDonald vs. Collins, 19 Mont. 372.

State ex rel. vs. Smith, 23 Mont. 329.

Oels vs. Helena, Etc. Ry., 10 Mont. 524.

Wallace vs. Owsley, 11 Mont. 219.

66 Cal. 209.

65 Cal. 600.

6519. (§ 636.) The summons must be served by delivering a copy thereof, as follows:

1. If the suit is against a corporation formed under the laws of this state, to the president or other head of the corporation, secretary, cashier, or managing agent thereof.

2. If the suit is against a foreign corporation, or a non-resident joint stock company or association doing business and having a managing or business agent, cashier or secretary within this state, to such agent, cashier or secretary, or to a person designated as provided in section 4414 (§ 1031) of the Civil Code.

3. Any corporation doing business in this state may be served with summons, by delivering a copy of the same to the president, secretary, treasurer or other officer of the corporation, or to the agent designated by such corporation as the person upon whom service shall be made as required by

law, and if none of the persons above mentioned can be found in the county, then service may be made upon any clerk, superintendent, general agent, cashier, principal director, ticket agent, station keeper, managing agent or other agent, having the management, direction, or control of any property of such corporation. If none of the persons in this section described can be found in the county in which such action is commenced, then service may be made, as provided in this section, upon any of the persons herein described, in any county of this state.

Clark vs. Lindsay, 19 Mont. 1.

State ex rel. vs. Harrington, 31 Mont. 295.

RECEIVERS.

6698. (§ 950.) A receiver may be appointed by the court in which an action is pending, or by the judge thereof:

Subdivision 5. In cases when a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.

APPOINTMENT OF RECEIVER OF CORPORATIONS.

6700. (§ 952.) Upon the dissolution of any corporation, the district court of the county in which the corporation carries on its business, or has its principal place of business, on application of any creditor of the corporation, or of any stockholder or member thereof, may appoint one or more persons to be receivers or trustees of the corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the corporation, and to pay the outstanding debts thereof, and to divide the moneys and other property that shall remain over, among the stockholders or members.

VOLUNTARY DISSOLUTION OF CORPORATIONS.

- Section 7323. Corporations, how dissolved.
- Section 7324. Application. What to contain.
- Section 7325. Application. How signed and verified.
- Section 7326. Filing application and publication of notice.
- Section 7327. Objections may be filed.
- Section 7328. Hearing of application.
- Section 7329. Judgment roll and appeals.

7323. (§ 2190.) A corporation may be dissolved by the district court of the county where its principal place of business is situated, upon its voluntary application for that purpose.

7324. (§ 2191.) The application must be in writing, and must set forth:

1. That at a meeting of the stockholders or members called for that

purpose, the dissolution of the corporation was resolved upon by a two-thirds vote of all the stockholders or members.

2. That all claims and demands against the corporation have been satisfied and discharged.

7325. (§ 2192.) The application must be signed by a majority of the board of trustees, directors or other officers having the management of the affairs of the corporation, and must be verified in the same manner as a complaint in a civil action.

7326. (§ 2193.) If the court is satisfied that the application is in conformity with this Title, the judge thereof must order it to be filed with the clerk, and that the clerk give not less than thirty nor more than fifty days' notice of the application, by publication in some newspaper published in the county; and if there are none such, then by advertisements posted up in three of the principal public places in the county.

7327. (§ 2194.) At any time before the expiration of the time of publication, any person may file his objections to the application.

7328. (§ 2195.) After the time of publication has expired, the court or judge may, upon five days' notice to the persons who have filed objections, or without further notice, if no objections have been filed, proceed to hear and determine the application, and if all the statements made therein are shown to be true, must declare the corporation dissolved.

7329. (§ 2196.) The application, notices, proof of publication, objections (if there be any) and declaration of dissolution, constitute the judgment roll; and from the judgment an appeal may be taken, as from other judgments of the district court.

PENAL CODE

CONSPIRACY.

- Section 8285. Trusts, punishment.
Section 8286. No other conspiracies punishable criminally.
Section 8287. Overt act, when necessary.
Section 8288. Wearing mask or disguise.
Section 8289. Limitation.

8285. (§ 321.) Every person, corporation, stock company or association of persons in this state who, directly or indirectly, combine or form what is known as a trust, or make any contract with any person or persons, corporations or stock companies, foreign or domestic, through their stockholders, directors, officers, or in any manner whatever, for the purpose of fixing the price or regulating the production of any article of commerce, or of the product of the soil for consumption by the people, or to create or carry out any restriction in trade, to limit productions, or increase or reduce the price of merchandise or commodities, or to prevent competition in merchandise or commodities, or to fix a standard or figure whereby the price of any article of merchandise, commerce or produce, intended for sale, use or consumption, will be any way controlled, or to create a monopoly in the manufacture, sale or transportation of any such article, or to enter into an obligation by which they shall bind others or themselves not to manufacture, sell, or transport any such article below a common standard or figure, or by which they agree to keep such article or transportation at a fixed or graduated figure, or by which they settle the price of such article, so as to preclude unrestricted competition, is punishable by imprisonment in the state prison not exceeding five years, or by fine not exceeding ten thousand dollars, or both. Every corporation violating the provisions of this Section, forfeits to the state all its property and franchises, and in case of a foreign corporation it is prohibited from carrying on business in the state.

MacGinnis vs. B. & M. C. C. & S. M. Co., 29 Mont. 428.

State vs. Cudahy Packing Co., 33 Mont. 181.

This section is void.

8286. (§ 322.) No conspiracies other than those enumerated in the preceding Sections are punishable criminally.

8287. (§ 323.) No agreement, except to commit a felony upon the person of another, or to commit arson or burglary, amounts to a con-

spiracy, unless some act, beside such agreement, be done to effect the object thereof, by one or more of the parties to the agreement.

8288. (§ 324.) It is unlawful for any person to wear any mask, false whiskers, or any personal disguise (whether complete or partial) for the purpose of:

1. Evading or escaping discovery, recognition or identification in the commission of any public offense.

2. Concealment, flight or escape when charged with, arrested for, or convicted of any public offense. Any person violating any of the provisions of this Section is guilty of a misdemeanor.

8289. (§ 325.) The provisions of this Chapter do not apply to any arrangement, agreement or combination between laborers made with the object of lessening the number of hours of labor or increasing wages, nor to persons engaged in horticulture or agriculture, with a view of enhancing the price of their products.

State vs. Cudahy Packing Co., 33 Mont. 181; 82 Pac. 833.

This section is void.

CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY.

Section 8478. Death from explosions, etc.

Section 8479. Death from collision on railroads.

Section 8521. Intoxication of engineers, conductors or drivers of locomotives or cars.

Section 8522. Placing passenger cars in front of freight cars.

Section 8523. Violation of duty by employees of railroad companies.

Section 8524. Violation of duty by railroads.

Section 8545. Regulating sales of explosives.

Section 8546. Storage of explosives in mines.

Section 8547. Storage of explosives in cities, etc.

Section 8548. Construction and location of magazines.

Section 8549. Magazines, etc., to bear warning signs.

Section 8550. Carriage of explosives.

Section 8551. Careless use of explosives.

Section 8552. Penalties.

Section 8553. Same.

Section 8554. Sales of explosives after dark.

8478. (§ 670.) Every person having charge of a steam boiler or steam engine, or other apparatus for generating or employing steam, used in any manufactory, or on a railroad, or in any vessel, or in any kind of mining, milling or mechanical works, or wilfully, or from ignorance or neglect, creates or allows to be created such an undue quantity of steam as to burst or break the boiler, engine or apparatus, or to cause any other accident, whereby the death of a human being is produced, is punishable by imprisonment in the state prison, for not less than one nor more than ten years.

8479. (§ 671.) Every conductor, engineer, brakeman, switchman or other person having charge, wholly or in part, of any railroad car, locomotive or train, who wilfully or negligently suffers or causes the same to

collide with another car, locomotive or train, or with any other object or thing, whereby the death of a human being is produced, is punishable by imprisonment in the state prison for not less than one nor more than ten years.

8521. (§ 690.) Every person who is intoxicated while in charge of a locomotive engine, or while as a conductor or driver upon any railroad car or train, whether propelled by steam or otherwise, or while acting as train dispatcher, or as telegraph operator receiving or transmitting dispatches, in relation to the movement of trains, is guilty of a misdemeanor.

8522. (§ 691.) Every person who, in making up or running railroad trains, places or runs, causes to be placed or run, any freight car in the rear of passenger cars, is guilty of a misdemeanor; and if loss of life or limb results from such placing or running, is guilty of felony. The term "freight car" as used in this Section does not include a baggage, express or mail car.

8523. (§ 692.) Every engineer, conductor, brakeman, switchtender or other officer, agent, or servant of any railroad company, who is guilty of any wilful violation or omission of his duty as such officer, agent, or servant, whereby human life or safety is endangered, the punishment of which is not otherwise prescribed, is guilty of a misdemeanor.

8524. (§ 693.) Every person or corporation who owns, carries on or has control of a railroad and fails to observe any of the regulations or requirements or perform any of the duties prescribed by law in reference to railroads, the penalty for which is not otherwise provided for in this Code, is punishable by a fine not exceeding five thousand dollars.

8545. (§ 707.) That every person, company or corporation, manufacturing, storing, selling, transferring, dealing in, or in any manner disposing of any powder, gunpowder, giant or hercules powder, giant caps, or other highly explosive substances, shall keep in a book for that purpose an accurate record of all transactions, with the date thereof, relating to the receiving and disposing of the same, which record shall show the amount of each such explosive received, by whom transported or conveyed, and each and every sale or other disposition made of such explosive, with the amount thereof, and the name of the person to whom delivery of the same was made, who shall be required to receipt therefor. Such record shall at all times be open to the inspection of the state inspector of mines, or any peace officer.

(Act approved March 15, 1895.)

8546. (§ 708.) No person, company or corporation shall store, deposit or keep in any mine a greater quantity than three thousand pounds of blasting powder, giant or hercules powder, or other highly explosive substance, and no explosives named in this Section shall be stored, deposited or kept in any place where its accidental explosion would cut off the escape of miners working in said mine.

(Act approved March 15, 1895.)

8547. (§ 709.) No person, company, or corporation, shall store,

deposit or keep, within one mile of the limits of any city, town or village, any powder, gunpowder, giant or hercules powder, or other highly explosive substance, in greater quantities than one hundred pounds, or more than one thousand giant caps, at any one time, nor shall such explosives be stored, deposited or kept in any quantities whatever within one mile of such city, town or village, except in a magazine constructed as hereinafter described. *Provided*, that this Section shall not be construed to prevent any person, company or corporation, operating a mine within one mile of the limits of such city, town or village, from storing powder for use in such mine in the manner prescribed in Sections 8546 (§ 708) and 8548 (§ 710) of this Act. *Provided* also, that this Section shall not prevent the keeping of a reasonable amount of gunpowder, not exceeding fifty pounds, in a safe place for sale.

(Act approved March 15, 1895.)

8548. (§ 710.) It shall be unlawful to store, deposit or keep, any powder, gunpowder, giant or hercules powder, giant caps or other highly explosive substance, in amounts exceeding one hundred pounds, elsewhere than in storehouses or magazines constructed as follows:

The walls of such storehouses and magazines shall be constructed entirely of stone or brick. There shall be no opening in such magazine except necessary ventilation, and one entrance not exceeding thirty inches in width. There shall be two doors to such entrance, an outer door opening outward and an inner door opening inward. The said door shall be of plank not less than two inches in thickness, and both doors shall be entirely covered with one-eighth inch iron, and shall be hinged upon two or more iron hooks securely anchored in the walls of such magazine. Both said doors shall be kept securely locked at all times when powder is stored therein, except when it is necessary to store therein or remove therefrom such powder or other explosives. Such storage room or magazine shall be well and securely roofed with fire proof and bullet proof material. Such magazine shall not be constructed within less than one-fourth of a mile of any human habitation except by the permission of the county commissioners, nor shall any magazine constructed within one mile of the limits of any city, town or village be constructed within one hundred feet of any building owned by any other person.

(Act approved March 15, 1895.)

8549. (§ 711.) Every storehouse or magazine constructed as provided in the foregoing Section, in which shall be stored, deposited or kept, any powder, gunpowder, giant or hercules powder, giant caps, or other highly explosive substance, shall at all times have posted above the entrance thereof a sign-board on which shall be painted in conspicuous letters not less than four inches in length the words, "Explosives—Dangerous."

Every dray, wagon, freight car, or other vehicle in which shall be transported, transferred, or delivered any of the said explosives, shall bear

on each side thereof a similar sign with conspicuous letters not less than two inches in length.

(Act approved March 15, 1895.)

8550. It shall be unlawful to knowingly transport or deliver or cause to be delivered giant, or Hercules powder, giant caps, nitro-glycerine, nitro-leum, blasting or nitrated oil, or powder mixed therewith or fibre saturated therewith, or any other highly explosive substance in any quantities whatever on any vessel or vehicle whatever carrying passengers by land or water between any points within the State of Montana: *Provided*, that on mixed trains intended for service on railroad lines leading to mining localities or camps the aforesaid explosive substances or any of them may be lawfully carried, by hanging a placard on each side of the car or cars carrying the explosives, reading thus: "This car is loaded with Powder"—each letter of said placard to be at least two inches long, but this proviso shall not permit the carrying of any of said explosive substances in the same car or coach in which the passengers are carried.

(Act approved March 6th, 1897.)

8551. (§ 713.) Every person who shall recklessly or maliciously use, handle, or have in his or her possession any blasting powder, giant or hercules powder, giant caps or other highly explosive substance, whereby any human being is intimidated, terrified, or endangered, shall be guilty of a misdemeanor.

(Act approved March 15, 1895.)

8552. (§ 714.) Any person, or association of persons, violating any of the provisions of this Act, shall be punished by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

(Act approved March 15, 1895.)

8553. (§ 715.) When the death of any person is caused by the explosion of any powder, gunpowder, giant or hercules powder, giant caps, or other highly explosive substance, that has been stored, kept, handled or transported, contrary to the provisions of the foregoing sections, the person or persons who have so unlawfully stored, kept, handled, or transported such explosives, or who may have knowingly or negligently permitted their agents, servants or employes, to so unlawfully store, keep, handle or transport the same, shall be guilty of manslaughter, and on conviction, shall be punished by imprisonment in the state penitentiary for a period not exceeding ten years.

(Act approved March 15, 1895.)

8554. (§ 716.) No person, or persons, shall store, or keep in any store, warehouse, or any other building within the limits of any unincorporated town or village, more than five thousand giant caps at any one time, or any coal oil, kerosene or petroleum, exceeding sixty gallons, other than in original packages, within the limits of the said unincorporated town or village,

or shall sell, lend, barter or dispose of, deliver or receive the same, or any or either of the said articles or materials, in the Section herein enumerated, after dark, by the aid of any lamp, lantern, candle, match or other artificial light, except electric light.

(Act approved March 8, 1893.)

FORGERY, COUNTERFEITING AND LARCENY.

Section 8640. Counterfeiting railroad tickets, etc.

Section 8641. Restoring canceled tickets.

Section 8652. Value of passage tickets.

8640. (§ 851.) Every person who counterfeits, forges or alters any check, ticket, order, coupon, receipt for fare or pass, issued by any railroad company, or by any lessee or manager thereof designated to entitle the holder to ride in the cars of such company, or who utters, publishes or puts into circulation, any such counterfeit or altered ticket, check or order, coupon, receipt for fare or pass, with intention to defraud any such railroad company, or any lessee thereof, or any other person, is punishable by imprisonment in the state prison, or in the county jail, not exceeding one year, or by fine not exceeding one thousand dollars, or both such imprisonment and fine.

8641. (§ 852.) Every person who, for the purpose of restoring to its original appearance and nominal value in whole or in part, removes, conceals, fills up, or obliterates the cuts, marks, punch holes or other evidences of cancellation, from any ticket, check, coupon, receipt for fare or pass, issued by any railroad company or any lessee or manager thereof, cancelled in whole or in part, with intent to dispose of by sale or gift, or to circulate the same, or with intent to defraud the railroad company, or lessees thereof, or any other person, or who, with like intention to defraud offers for sale, or in payment of fare on the railroad of the company, such ticket, check, order, coupon or pass, knowing the same to have been so restored, in whole or in part, is punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or both.

8652. (§ 890.) If the thing stolen is any ticket or other paper or writing entitling or purporting to entitle the holder or proprietor thereof to a passage upon any railroad or vessel, or other public conveyance, the price at which tickets entitling a person to a like passage are usually sold by the proprietors of such conveyance is the value of such ticket, paper or writing.

EXTORTION.

Section 8675. Employe of Railroad Company Taking More Cars, Etc.

Section 8676. Requiring Release of Liability, Etc.

8675. (§ 922.) Every officer, agent or employee of a railroad company, who asks or receives a greater sum than is allowed by law for the carriage of passengers or freight, is guilty of a misdemeanor.

8676. (§ 923.) Every person, company or corporation, which requires of its servants or employes, as a condition of their employment or otherwise, any contract or agreement whereby such person, company or corporation is released or discharged from liability or responsibility on account of personal injuries received by such servants or employes, while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, is punishable by imprisonment in the state prison not exceeding five years, or by a fine not exceeding five thousand dollars, or both.

FRAUDULENT INSOLVENCIES BY CORPORATIONS, AND OTHER FRAUDS IN THEIR MANAGEMENT.

Section 8709. Frauds in subscriptions for stock of corporations.

Section 8710. Fraudulent issue of stock, scrip, etc.

Section 8711. Frauds in procuring organization, etc., of corporations.

Section 8712. Unauthorized use of names in prospectus, etc.

Section 8713. Misconduct of directors of stock corporations.

Section 8714. Savings bank officer overdrawing his account.

Section 8715. Receiving deposits in insolvent banks.

Section 8716. Prior offense not affected by this act.

Section 8717. Frauds in keeping accounts in books of corporations.

Section 8718. Officer of corporation publishing false reports.

Section 8719. Officer of corporation to permit an inspection.

Section 8720. Officer of railroad company contracting debt in its behalf exceeding its available means.

Section 8721. Debt contracted in violation of the last section not invalid.

Section 8722. Director of a corporation presumed to have knowledge of its affairs.

Section 8723. Director present at meeting, when presumed to have assented to proceedings.

Section 8725. Foreign corporations.

Section 8726. Same.

Section 8727. Agent of foreign corporation.

Section 8728. Corporation not complying with laws.

Section 8729. Agent of corporation.

Section 8730. "Director" defined.

8709. (§ 980.) Every person who signs the name of a fictitious person to any subscription for, or an agreement to take, stock in any corporation, existing or proposed, and every person who signs to any subscription or agreement the name of any person, knowing that such person has not means

or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of such subscription or agreement are not to be complied with or enforced, is guilty of a misdemeanor.

8710. (§ 981.) Every officer, agent or other person in the service of any joint stock company or corporation formed or existing under the laws of this state, or of the United States, or of any state or territory thereof, or of any foreign government or country, who wilfully and knowingly, with intent to defraud, either—

1. Sells, pledges or issues, or causes to be sold, pledged or issued, signs or executes, or causes to be signed or executed, with intent to sell, pledge or issue, or cause to be sold, pledged or issued, any certificates or instrument purporting to be a certificate or evidence of the ownership of any share or shares of such company or corporation, or any bond or evidence of debt, or writing purporting to be a bond or evidence of debt of such company or corporation, or contrary to the charter or laws under which said company or corporation exists, or in excess of the power of such company or corporation, or of the limit imposed by law or otherwise, upon its power to create or issue stock or evidence of debt; or,

2. Re-issues, sells, pledges or disposes of, or causes to be re-issued, sold, pledged or disposed of, any surrendered or cancelled certificates, or other evidence of the transfer, or ownership of any such share or shares, is punishable by imprisonment in the state prison not exceeding seven years, or by a fine not exceeding three thousand dollars, or both.

8711. (§ 982.) Every officer, agent or clerk of any corporation, or of any persons proposing to organize a corporation, or to increase the capital stock of any corporation, who knowingly exhibits any false, forged or altered book, paper, voucher, security or other instrument of evidence, to any public officer or board authorized by law to examine the organization of such corporation, or to investigate its affairs, or to allow an increase of its capital, with intent to deceive such officer or board in respect thereto, is punishable by imprisonment in the state prison not less than three nor more than ten years.

8712. (§ 983.) Every person who, without being authorized so to do, subscribe the name of another to, or inserts the name of another in, any prospectus, circular or other advertisement or announcement of any corporation or joint stock association, existing or intended to be formed, with intent to permit the same to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member or promoter of such corporation or association, is guilty of a misdemeanor.

8713. (§ 984.) Every director of any stock corporation who concurs in any vote or act of the directors of such corporation or any of them, by which it is intended, either—

1. To make any dividend, except from the surplus profits arising from the business of the corporation, and in the cases and manner allowed by law; or,

2. To divide, withdraw or in any manner, except as provided by law, pay to the stockholders or any of them, any part of the capital stock of the corporation; or,

3. To discount or receive any evidence of debt in payment of any installment actually called in and required to be paid, or with the intent to provide the means of making such payments; or,

4. To receive or discount any note or other evidence of debt, with the intent to enable any stockholder to withdraw any part of the money paid in by him, or his stock; or,

5. To receive from any other stock corporation, in exchange for the shares, notes, bonds or other evidences of debt of their own corporation shares of the capital stock of such other corporation or notes, bonds, or other evidences of debt issued by such corporation, is guilty of a misdemeanor.

8714. (§ 985.) Every officer, teller, or clerk of any savings bank, who knowingly overdraws his account with such bank, and thereby wrongfully obtains the money, note or funds of such bank, is guilty of a misdemeanor.

8715. No bank, banking house, exchange broker, individual banker, deposit office or firm, company, corporation, or party engaged in the banking, broker, exchange, loan or deposit business shall accept or receive on deposit, or for safe keeping, or to loan, with or without interest, from any person, any money or any bills, notes or any paper circulating as money, or any notes, drafts, bills of exchange, bank checks or other commercial paper, for safe keeping or for collection, when such bank, banking house, exchange broker, individual banker, deposit office, firm, company, corporation, or party is unsafe and insolvent. If any such bank, banking house, exchange broker, individual banker, deposit office, or firm, company, corporation or party, shall receive or accept on deposit, or for safe keeping or to loan, with or without interest, from any persons, any money or any bills of exchange, bank check or other commercial paper, drafts, notes or other paper circulating as money, or any notes, for safe keeping or for collection, when unsafe or insolvent, any officer, director, cashier, manager, principal, agent, clerk, party or managing party, thereof, knowing or having reason to know, of any such unsafeness or insolvency, who shall knowingly receive or accept, be accessory to, or permit or connive at, or receive or accept on deposit therein or thereby, any such deposits, money or property as aforesaid shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not less than one year or more than twenty years.

Act approved March 4, 1907, § 1.)

8716. But the passage and approval of this act and the amendment as herein provided shall not constitute a bar to the prosecution of an act or offense heretofore committed in violation of said Section 986*, but said act

*This section was amended by the enactment of Section 8715.

or offense and the person committing the same may be prosecuted, indicted, or informed against and punished, the same as if this act had not been passed.

(Act approved March 4th, 1907, § 2.)

8717. (§ 987.) Every officer, director or agent of any corporation or joint stock association, who knowingly receives or possesses himself of any property of such corporation or association, otherwise than in payment of a just demand, and who, with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books or accounts of such corporation or association, and every director, officer, agent or member of any corporation or joint stock association who, with intent to defraud, destroys, alters, mutilates or falsifies any of the books, papers, writings or securities belonging to such corporation or association, or makes, or concurs in making any false entries, or omits, or concurs in omitting to make any material entry in any book of accounts or other record or document kept by such corporation or association, is punishable by imprisonment in the state prison not less than three nor more than ten years, or by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both imprisonment and fine.

8718. (§ 988.) Every director, officer, or agent of any corporation or joint stock association, who knowingly concurs in making, publishing or posting any written report, exhibit, or statement of its affairs or pecuniary condition, or book or notice containing any material statement which is false, or refuses to make any book or post any notice required by law, in the manner required by law, other than such as are mentioned in this Chapter is guilty of a felony.

8719. (§ 989.) Every officer or agent of any corporation, having or keeping an office within this state, who has in his custody or control any book, paper, or document of such corporation, and who refuses to give to a stockholder or member of such corporation, lawfully demanding, during office hours, to inspect or take a copy of the same, of or any part thereof, a reasonable opportunity so to do, is guilty of a misdemeanor.

8720. (§ 990.) Every officer, agent, or stockholder of any railroad company, who knowingly assents to, or has any agency in contracting any debt by or on behalf of such company, unauthorized by a special law for the purpose, the amount of which debt, with other debts of the company, exceeds its available means for the payment of its debts, in its possession, under its control, and belonging to it at the time such debt is contracted, including its bona fide and available stock subscriptions, and inclusive of its real estate, is guilty of a misdemeanor.

8721. (§ 991.) The last Section does not affect the validity of a debt created in violation of its provisions, as against the company.

8722. (§ 992.) Every director of a corporation or joint stock association is deemed to possess such a knowledge of the affairs of his corporation as to enable him to determine whether any act, proceeding or omission of its directors is a violation of this Chapter.

8723. (§ 993.) Every director of a corporation or joint stock association who is present at a meeting of the directors at which any act, proceeding, or omission of such directors in violation of this Chapter occurs, is deemed to have concurred therein unless he at the time causes or in writing requires his dissent therefrom to be entered in the minutes of the directors.

8724. (§ 994.) Every director of a corporation or joint stock association, although not present at a meeting of the directors at which any act, proceeding or omission of such directors in violation of this Chapter occurs, is deemed to have concurred therein if the facts constituting such violation appear on the records or proceedings of the board of directors and he remains a director of the same company for six months thereafter and does not within that time cause or in writing require his dissent from such illegality to be entered in the minutes of the directors.

8725. (§ 995.) It is no defense to a prosecution for a violation of the provisions of this Chapter that the corporation was one created by the laws of another state, government or country, if it was one carrying on business or keeping an office therefor within this state.

8726. (§ 996.) Every foreign corporation doing business in this state contrary to the provisions of Title XI., Part IV., Division I, of the Civil Code, is guilty of a misdemeanor.

8727. (§ 997.) Every person who acts as agent or in any other capacity for a foreign corporation, who has not complied with the provisions of law relating to foreign corporations, is guilty of a misdemeanor.

8728. (§ 998.) Every corporation which fails to comply with the provisions of law relating to corporations, as prescribed in the Civil Code, is guilty of a misdemeanor.

8729. (§ 999.) Every person who acts as an officer, agent or in any other capacity for a corporation which has not complied with the provisions of law as prescribed in the Civil Code, is guilty of a misdemeanor.

8730. (§ 1000.) The term "director", as used in this Chapter, embraces any of the persons having by law the direction or management of the affairs of a corporation, by whatever name such persons are described in its charter or known by law.

FRAUDULENT ISSUE OF DOCUMENTS OF TITLE TO MERCHANDISE.

Section 8731. Issuing fictitious bills of lading, etc.

Section 8732. Issuing fictitious warehouse receipts.

Section 8733. Erroneous bills of lading or receipts issued in good faith.

Section 8734. Duplicate receipts must be marked "duplicate."

Section 8735. Selling, etc., property received for transportation or storage.

8731. (§ 1020.) Every person being the master, owner, or agent of any vessel, or officer or agent of any railroad, express or transportation company, or otherwise being or representing any carrier, who delivers any bill of lading, receipt, or other voucher, by which it appears that any merchandise

of any description has been shipped on board any vessel, or delivered to any railroad, express or transportation company, or other carrier, unless the same has been so shipped or delivered, and is at the time actually under the control of such carrier, or the master, owner, or agent of such vessel, or of some officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt, or voucher, is punishable by imprisonment in the state prison not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

Bill of Lading Defined; Sec. 2830., Civ. Code.

8732. (§ 1021.) Every person carrying on the business of a warehouseman, wharfinger, or other depositary of property, who issues any receipt, bill of lading, or other voucher for any merchandise of any description, which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether such instrument is issued to a person as being the owner of such merchandise, or as security for any indebtedness, is punishable by imprisonment in the state prison not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

8733. (§ 1022.) No person can be convicted of any offense under the last two Sections by reason that the contents of any barrel, box, cask, or other vessel or package mentioned in the bill of lading, receipt, or other voucher, did not correspond with the description given in such instrument of the merchandise received, if such description correspond substantially with the marks, labels, or brands upon the outside of such vessel, or package, unless it appears that the accused knew such marks, labels, or brands were untrue.

8734. (§ 1023.) Every person mentioned in this Chapter, who issues any second or duplicate receipt or voucher, of a kind specified therein, at a time while any former receipt or voucher for the merchandise specified in such second receipt is outstanding and uncanceled, without writing across the face of the same the word "duplicate" in a plain and legible manner, is punishable by imprisonment in the State prison not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

8735. (§ 1024.) Every person mentioned in this Chapter, who sells, hypothecates or pledges any merchandise for which any bill of lading, receipt, or voucher has been issued by him, without the consent in writing thereto of the person holding such bill, receipt or voucher, is punishable, by imprisonment in the state prison not exceeding five years, or by a fine not exceeding one thousand dollars, or both. The provisions of this Section do not apply where the property is demanded or sold under process of law.

MALICIOUS INJURIES TO RAILROAD PROPERTY, HIGHWAYS, BRIDGES,

TELEGRAPHS, DITCHES, ETC.

- Section 8736. Injuries to highways, private ways and bridges.
Section 8737. Injuries to milestones and guideboards.
Section 8738. Injuries to telegraph lines.
Section 8739. Taking water from or obstructing canals.
Section 8740. Interferences with railroad property.
Section 8741. Punishment.
Section 8742. Acts causing death punished as murder.
Section 8743. Crimes heretofore committed.
Section 8744. Remove waste or packing from locomotives or motors.
Section 8745. Interference with electric lines or apparatus.

8736. (§ 1031.) Every person who maliciously digs up, removes, displaces, breaks or otherwise injures or destroys any public highway, or any private way laid out by authority of law, or bridge upon such highway or private way, is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such imprisonment and fine.

8737. (§ 1032.) Every person who maliciously removes or injures any mile-board, post or stone, or guide-post or any inscription on such, erected upon any highway, is guilty of a misdemeanor.

8738. (§ 1033.) Every person who maliciously takes down, removes, injures or obstructs any line of telegraph, telephone, or electric light, or any part thereof, or appurtenance or apparatus connected therewith, or severs any wire thereof, is guilty of a misdemeanor.

8739. (§ 1034.) Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume or reservoir, used for the purpose of holding or conveying water for manufacturing, agricultural, mining or domestic uses, or who, without like authority, shall raise, lower, or otherwise disturb any gate or other appurtenance thereof used for the control or the measurement of water, or who shall empty or place, or cause to be emptied or placed into any such canal, ditch, flume or reservoir, any rubbish, filth or obstruction to the free flow of the water, is guilty of a misdemeanor.

8740. Every person who, within the State of Montana, wilfully and maliciously either,

a. Burns, breaks, cuts, derails, destroys, displaces, injures, obstructs, removes or places any explosive substance upon, in or under any track, switch, bridge, culvert, viaduct, roadbed, embankment, reservoir, water tank, stand-pipe or appurtenances, station or section house, coal dock, passenger, mail, baggage, express or freight car, caboose, engine, tender or other rolling stock, or other appliance, part, structure or fixture attached to, or used in connection with, any operated railway, or any branch thereof, lying wholly or partially within this State, whether operated by steam or other motive power; or by letter or other writing, threatens to do, any of the foregoing acts or things; or

b. Wrecks, whether by the use of dynamite or other explosive or any other means, any moving train, engine, cars or other rolling stock of any such railroad or branch; or

c. By intimating any member of a train or engine crew, or any passenger, or otherwise, stops, holds up, or interrupts the journey of any such train, engine, cars or rolling stock, of any such railway, or branch thereof, for the purpose of gaining from any person, by any means, any money or other thing of value; shall be deemed guilty of felony, and on conviction be punished by imprisonment in the State Prison, for a term not less than five years, and which may extend to the term of his natural life.

(Act approved February 18, 1905, § 1.)

8741. Any person who wilfully and maliciously attempts to commit any of the acts in Section 8740 (1) of this Act enumerated, shall be deemed guilty of a felony, and to be punished by imprisonment in the State Prison not less than one year nor more than ten years.

(Act approved February 18, 1905, § 2.)

8742. If in the commission, attempts to commit, any of the acts made felonies under Section 8740 (1) of this Act, the death of any person shall be caused, the person so committing, or attempting to commit said acts or any thereof, shall be deemed guilty of murder in the first degree; and, on conviction thereof, shall suffer death.

(Act approved February 18, 1905, § 3.)

8743. Any act heretofore done of the general nature of any of the acts hereinabove enumerated, which were at the time of their commission, punishable as a crime, under any then existing law of this state, may still be prosecuted and punished under such pre-existing law.

(Act approved February 18, 1905, § 4.)

8744. That if any person shall wilfully and maliciously take or remove the waste or packing or brass or brasses from any journal box or boxes of any locomotive, engine, tender, carriage, coach, car, caboose or truck, used or operated, or capable of being used or operated upon any railroad, hoisting engines, threshing machines, pumps or any other machinery, whether the same be operated by steam or electricity, the person so offending shall be guilty of a misdemeanor and on conviction shall be sentenced to pay a fine of not more than \$100 nor less than \$50, or by imprisonment in the county jail not more than six months, or both such fine and imprisonment.

(Act approved March 3rd, 1903.)

8745. Every person who wilfully or maliciously takes down, removes, injures, interferes with or obstructs any line or lines erected or maintained for the purpose of transmitting electricity for developing light, heat or power, or any part thereof, or any insulation or cross-arm appurtenance or apparatus connected therewith, or severs or in any way interferes with

the wire or wires, cable or cables, current or currents thereof, or who attempts to do the same, is punishable by fine not exceeding Five Hundred Dollars, or imprisonment in the county jail not exceeding one year.

(Act approved March 5th, 1903.)

OTHER AND MISCELLANEOUS OFFENSES.

- Section 8865. Driving cattle on railroad.
Section 8873. Landholders to destroy thistles.
Section 8882. Stealing rides upon cars or locomotive.
Section 8883. Stealing rides on trucks, rods or brake beams.
Section 8884. Trainmen constituted peace officers.

8865. (§ 1191.) Every person who wilfully drives any animal upon any railroad track with intent to injure the corporation or persons owning the railroad, and such animal is killed or injured thereby, is punishable by imprisonment in the state prison not exceeding five years.

8873. (§ 1199.) In case any person or persons, railroad or other corporation, owning or occupying any lands within this state, under his or her or their control, as the case may be, shall refuse or neglect to destroy any Canada, Scotch bull or Russian thistle or thistles growing or standing upon any land or lands so owned, occupied or controlled, on or before the fifteenth day of August it shall be the duty of the county commissioners, road supervisors, or other person or persons having control of the public highways, streets or alleys where any such thistle or thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed, and pay therefore at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said thistles shall keep a correct account of all moneys paid out for that purpose, and charge the same to the person or persons or corporation owning, occupying or controlling the land or lands upon which such thistle or thistles were destroyed, and the person or persons or corporation owning, occupying or having control of such lands shall be liable in a civil action for the amount so charged against them and costs of suit; *Provided*, that if any supervisor or other person having, under the authority of this Act, destroyed any of the said thistles, and is unable to find the owner of the land, or is unable to collect such money, the same shall be paid by the authorities of the town, village, city or county where such thistles were destroyed; *and Provided further*, that in case of any railroad company becomes chargeable under the provisions of this Section, the supervisors of the township where same has become chargeable may certify to the same to the county attorney of their county, whose duty it shall be to bring and prosecute a civil action against the railroad company for the amount so charged and costs of suit aforesaid.

(Act approved March 18, 1895.)

8882. It shall be and hereby is declared to be a misdemeanor for any person to enter upon, ride upon, or secure passage upon, any railroad car or locomotive or tender, of any description, other than a car used exclusively for the carriage of passengers, with intent thereby to obtain a ride without paying therefor, or fraudulently obtain carriage upon any such car, locomotive or tender.

(Act approved February 24, 1899, § 1.)

8883. It shall be and is hereby declared to be misdemeanor for any person except railroad employes in the performance of their duty, to take passage or ride upon, or enter for the purpose of taking passage or riding upon, the trucks, rods, brake-beams, or any part of any car, locomotive, or tender not ordinarily and customarily used, or intend for the resting place of a person riding upon or operating the same.

(Act approved February 24, 1899, § 2.)

8884. Every conductor, engineer or other person in charge of the operation of cars or trains, or locomotives, upon any railroad, are, while engaged or employed, hereby constituted public executive officers, of the class of peace officers, and of the grade of a constable in each county wherein their train or car, or cars, or locomotives may from time to time happen to be, and are hereby given the same authority as other peace officers to with or without a warrant arrest and prosecute persons violating any provision of this Act, *provided, however*, that the persons mentioned herein shall not be entitled to receive fees for any arrest or prosecution which may be made or prosecuted under this Act. And *provided further*, that none of the persons herein named shall be authorized to hold such office or exercise its functions unless at the time he shall be a citizen of the United States, and shall have been a citizen of this State for at least one year next preceding his exercising the functions thereof.

(Act approved February 24, 1899, § 3.)

THE LOCAL JURISDICTION OF PUBLIC OFFENSES.

Section 9013. Jurisdiction of an Offense on Board a Vessel or Car.

9013. (§ 1566.) When an offense is committed in this state, on board a vessel navigating a river, bay, slough, lake or canal, or lying therein, in the prosecution of her voyage, the jurisdiction is in any county through which the vessel is navigated in the course of her voyage, or in the county where the voyage terminates; and when the offense is committed in this state, on a railroad train or car prosecuting its trip, the jurisdiction is in any county through which the train or car passes in the course of her trip, or in the county where the trip terminates.

PROCEEDINGS AGAINST CORPORATIONS.

- Section 9537. Summons upon information against corporations.
- Section 9538. Form of summons.
- Section 9539. When and how served.
- Section 9540. Examination of the charge.
- Section 9541. Certificate of magistrate and return.
- Section 9542. County attorney to file information.
- Section 9543. Appearance and plea.
- Section 9544. Fine on conviction, how collected.
- Section 9545. Summons to corporation.
- Section 9546. Service of summons.

9537. (§ 2570.) Upon a complaint against a corporation, the magistrate must issue a summons signed by him, with his name of office, requiring the corporation to appear before him, at a specified time and place, to answer the charge, the time to be not less than ten days after the issuing of the summons.

State v. Mitchell, 17 Mont. 75; 42 Pac. 102.

9538. (§ 2571.) The summons must be substantially in the following form:

"County of (as the case may be.)

"The State of Montana to the (naming corporation):

"You are hereby summoned to appear before me at (naming the place), on (specifying the day and hour), to answer a charge made against you upon the complaint of A. B., for (designating the offense generally.)"

"Dated at the city (or township) of, this day of eighteen

"G. H., Justice of the Peace (or as the case may be.)"

9539. (§ 2572.) The summons must be served at least five days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president or other head of the corporation, or to the secretary, cashier, or managing agent thereof.

9540. (2573.) At the appointed time in the summons, the magistrate must proceed to investigate the charge in the same manner as in the case of a natural person, so far as these proceedings are applicable.

9541. (§ 2574.) After hearing the proofs, the magistrate must certify upon the complaint, either that there is or is not sufficient cause to believe the corporation guilty of the offense charged and must return the complaint and certificate, as prescribed in Section 910 (1693).

9542. (§ 2575.) If the magistrate returns a certificate that there is sufficient cause to believe the corporation guilty of the offense charged, the county attorney may file an information thereof, as in the case of a natural person held to answer, or he may file such information by leave of the court.

9543. (§ 2576.) If an indictment is found, or information is filed, the corporation may appear by counsel to answer the same. If it does not thus appear, a plea of not guilty must be entered, and the same proceedings had thereon as in other cases.

9544. (§ 2577.) When a fine is imposed upon a corporation on conviction, it may be, collected by virtue of the order imposing it, by the sheriff of the county, out of its real and personal property, in the same manner as upon an execution in a civil action.

9545. (§ 2578.) When an indictment is found or an information filed against a corporation, the clerk must issue a summons in its corporate name, commanding it to appear and answer the indictment or information, a copy of which summons must be served on an officer of said corporation, or upon its agent or attorney designated as the person upon whom service of summons of civil actions may be made, if there be any such in the county where the indictment is found or information is filed; and if there be no officer or designated agent or attorney in the county where the indictment or information is found or filed, then upon any managing agent, ticket agent, clerk, cashier, or secretary, freight agent, superintendent, or general business manager in the county; and if there be none of the above described persons in the county, then upon any of such persons in any county in the state. Such notice must be served at least five days before the time at which the said corporation is by summons required to appear.

9546. (§ 2579.) When the sheriff or other officer returns the summons, certifying the service thereof, the corporation must on and after the day appointed in such summons for its appearance, be considered in default, and the court must order the clerk to enter appearance for the corporation, and enter the plea of not guilty in the records of the court, and further proceedings may be had thereon as if the corporation had appeared and pleaded not guilty; thereto; and if the corporaiton is convicted, the court must enter judgment for the amount of the fine and costs which may be awarded against it, in the same manner as on judgment in civil action.

SEARCH WARRANTS.

Section 9676. Search warrant defined.

9676 (§ 2820.) A search warrant is an order in writing, in the name of the State, signed by a magistrate, directed to a peace officer, commanding him to search for personal property, and bring it before the magistrate.

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